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UNIVERSITY OF CALIFORNIA PUBLICATIONS

EDUCATION

Vol. 3, No. 4, pp. 283-441

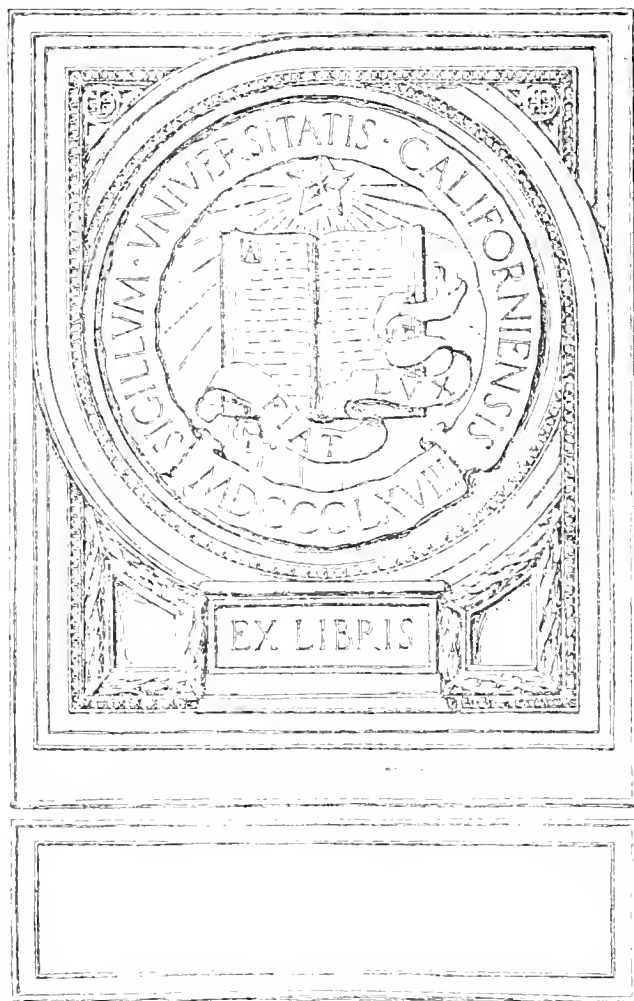
May 15, 1913

THE GROWTH OF RESPONSIBILITY AND
ENLARGEMENT OF POWER
OF THE CITY SCHOOL
SUPERINTENDENT

BY

ARTHUR HENRY CHAMBERLAIN

UNIVERSITY OF CALIFORNIA PRESS
BERKELEY



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INTRODUCTORY NOTE

The purpose of the work here presented is set forth fully in Section One. It is because economic and social conditions have arisen—conditions that a half century past were entirely unknown and almost unthinkable—that increased emphasis is now placed upon the organization and conduct of the metropolitan school system. These conditions, growing out of a civilization, complex and many-sided, demand increased efficiency, more serviceable output, and higher moral standards. Arises the necessity, therefore, for an administrative system, wherein the executive officer is honest, wise, fearless, and clothed with ample authority. Our task it is to show, on the one hand, how far power centralized in the superintendent should be subject to control by a board of education or commission, and on the other, to what extent principals and teachers are to be allowed freedom of action in the conduct of their own schools.

Perhaps the matter of most pressing importance in the educational field today is that of organization and administration. Here is felt the greatest need for scientific treatment. The rapid growth of cities has multiplied and intensified the problems calling for solution. It is in the large cities especially that thorough organization must be secured, and in the conduct of whose schools a definite administrative policy must be worked out. To limit our discussion to one phase of the centralizing tendency in school administration, has seemed wise. The aim is to reach the rank and file of superintendents, principals, and administrators the country over as well as to provide material for the student of education.

There are traced briefly some of the applications of administrative law to the life of the municipality in general, specific reference being made to education. The treatment of the historical trend and the statement of present conditions point the direction in which administration is moving and suggest lines of further development. Typical cases at law, and court decisions show clearly the trend toward power placing and indicate that

we may soon possess a comprehensive body of school law. Not only original sources, but reputable books, articles, addresses, and reports have been utilized in the study. The bibliography is fairly complete. A careful review of the references will disclose the fact that in the narrow zone covered by our title, substantially all sources that are adaptable and trustworthy have been made to contribute directly or indirectly. It is the purpose ultimately to publish this bibliography as a separate bulletin, to re-classify and offer extended comment upon each title.

So far as there is value attaching to the present work, it lies not alone in the accuracy with which citations have been made or in the extensive field of reading and research covered. These, together with the phrasing, constitute the more mechanical portions of the study. The value lies as well in the individuality of treatment, in the human element embodied in the work, and in whatever there may be of sanity or rationalism in the conclusions as drawn. The suggestions made in Section Six on a new and untried plan of organization for the superintendent's office are given in barest outline only. Time and added experience may call for a revision or ample modification of the scheme.

The author desires to express appreciation for assistance rendered by Professor David P. Barrows, Dean A. F. Lange, Dr. Richard G. Boone, Professor G. M. Stratton, Professor William Cary Jones, and Dean Charles H. Rieber, all of the University of California. The interest of the superintendents named below adds to the immediate value of the work:

Jas. A. Barr, Stockton, Cal.; Ben Blewett, St. Louis; Orville T. Bright, District Supt., Chicago; Stratton D. Brooks, Boston; M. G. Brumbaugh, Philadelphia; F. F. Bunker, Berkeley, Cal.; C. F. Carroll, Rochester, N. Y.; C. E. Chadsey, Denver; D. H. Christensen, Salt Lake City; Charles W. Cole, Albany, N. Y.; Frank B. Cooper, Seattle; W. M. Davidson, Omaha; F. E. Downs, Harrisburg, Pa.; F. B. Dyer, Cincinnati; W. H. Elson, Cleveland; Henry P. Emerson, Buffalo; J. H. Francis, Los Angeles; Charles S. Foos, Reading, Pa.; Wilbur F. Gordy, Springfield, Mass.; James M. Greenwood, Kansas City; S. L. Heeter, St. Paul; P. W. Horn, Houston, Texas; C. M. Jordan, Minneapolis; William P. Kelly, Meriden, Conn.; C. N. Kendall, Indianapolis;

Charles H. Keyes, South District, Hartford, Conn.; Arthur Le Fevre, Dallas, Texas; E. H. Mark, Louisville, Ky.; W. C. Martindale, Detroit; W. J. McCone, Albion, Mich.; J. W. McClymonds, Oakland, Cal.; C. L. McLane, Fresno, Cal.; C. E. Meleney, Associate Superintendent, N. Y. City; T. A. Mott, Richmond, Ind.; S. S. Murphy, Mobile; C. G. Pearse, Milwaukee; Frank J. Peaslee, Lynn, Mass.; J. H. Phillips, Birmingham, Ala.; A. B. Poland, Newark, N. J.; C. A. Record, Haverhill, Mass.; Frank Rigler, Portland, Ore.; J. A. Shawan, Columbus, O.; Wm. M. Staton, Atlanta; F. E. Spaulding, Newton, Mass.; J. K. Stables-son, Bloomington, Ill.; A. F. Stuart, Washington, D. C.; J. B. Taylor, Oklahoma City; J. H. Van Sickle, Baltimore; E. C. Warriner, E. Side, Saginaw, Mich.; H. B. Wilson, Decatur, Ill.

SECTION ONE

THE SIGNIFICANCE OF THE MOVEMENT TOWARD CENTRALIZATION AND THE PLACING OF RESPONSIBILITY

The science of government is a progressive science. Laws that are just, adequate, and enduring do not arise spontaneous as a mushroom growth. A code of morals is, little by little, evolved from the needs of society. The moral code mirrors the standard of the social group. Democracy in the making can flourish only as its moral, civil, and commercial codes are founded upon actual needs and high ideals. The needs change, the ideals advance, and the codes must be fashioned to meet the demands of a developing people. Individual awakening results in group enlightenment. "The nation is an organic social being, a growth, not an artificial creation."¹

In the commercial world, demand is a determining element in regulating supply. The proper conduct of business calls for rules so flexible as to be re-shaped, thus to met the ever-changing conditions of an industrial life that is constantly becoming more and more complex. Material growth must be accompanied by a corresponding moral and civic uplift.

Everywhere progress is conditioned upon law—its interpretation and application. No nation, or community, or tribe but has its written or unwritten code. That a body of law should grow naturally and from within, rather than be built in a hasty, empirical manner, finds its genesis deep beneath the roots of human nature, or custom, or habit, or temperament, or social demands. Larger group opportunities and greater individual responsibilities imply fuller life and better law.

¹ Crane and Moses, *Politics*, p. 6.

How is it in those departments of education with which we are most familiar? A demand is created in the mind of the learner, and pedagogy steps in and satisfies the want of desire. A problem in mathematics is performed, and from the analysis of the problem the student is enabled to formulate a rule, principle, or law such as shall govern the solution of like problems. Out of these needs and desires there springs up gradually a body of law that grows and intensifies as the experiences of the individual broaden and deepen. Let us not marvel at the apparent tardy growth and slow change in administrative law, whether related to the field of education or to any particular branch of national, state, or municipal government. The wonder is rather that, many times, the growth has been so rapid.

Normal
Growth of
Law a Slow
Growth

It is a remarkable and significant circumstance that most writers upon administrative law and the development of the centralizing of power should use education and the schools as most clearly embodying this movement. This tendency is remarkable in that public education, especially of a compulsory nature, was given little attention during the early history of this country. The tendency is significant in that the school, as a human institution, has been one of the greatest, if not the greatest, of elements outside the family life,² entering into the development of our people and in determining the growth of the nation—a growth industrial, economic, social, intellectual, moral.

Centralizing
Tendency
Clearly Em-
bodied in
Education

“Comparatively few people . . . recognize how gradual has been the growth of our school system,” says Schepmoes, “how feebly it originated, and what opposition it has encountered in its onward march. Not many know what difficulties the men who conceived the idea of public education met with in their efforts to establish a state system of public instruction. As the steps of advancement are laid before us, it seems almost a romantic tale. To those born into the enjoyment of our schools as they are, it seems strange to learn that people could oppose a measure so beneficial, the object of which was to develop intelligent, moral, and patriotic citizenship.”³

Schepmoes on
the Develop-
ment of State
Educational
System

But while public education was long in becoming standardized in this country, and in many particulars is not standardized even at the present day, nevertheless, in the pre-Revolution

² Draper, “Educational Organization and Administration,” in *Monographs on Education in the United States*, p. 7.

³ *Rise and Progress of the New York State School System*, pp. 5-6.

period the necessity for public education was understood by the most careful thinkers. Public opinion early became shaped toward the necessity for universal enlightenment. Wheeler says, "The source of all power in the United States is Public Opinion,"⁴ and according to Bryce, "In no country is public opinion so powerful as in the United States."⁵ Declares Horace Mann, "Public Opinion—that sovereign in representative governments—is in harmony with the law."⁶ Public sentiment, however, springs not from the public at once, but has its rise in individuals. The movement is from the individual to the group. Society or the group then takes the idea, crystalizes it, shapes it into a principle, law, or code, and thus the individual is made to conform to the standards set by society.⁷ This fact must be held in mind by those who would study the development toward centralization in educational administration.

Individuals v.
Group in
Creating
Public
Sentiment

That there is this trend toward the placing of increased responsibility in the hands of individuals and of making these individuals answerable in results to the group or society, there is no doubt. As to whether the movement is a wise one there is difference of opinion. Dr. Harris states:

"There is a trend away from isolated efforts and toward system and supervision. System has this advantage, that it makes supervision possible. It is the object of general superintendence to discover what is fruitful and promising in the work of individuals or localities, and to strengthen the whole system by making the adoption of these improvements universal. Each shall contribute something worth adopting by all, and, in turn, avail himself of these experiences. In this lies the great significance of our national trend toward system."⁸

Dr. Harris on
the Trend
Toward
System

Society was long in grasping the idea of education as set out by those few who first clearly saw the need for the school. When finally in one locality after another, sentiment, opinion, belief, conviction had been enacted into law, this law was permissive rather than compelling. Often legislation was effected that already existing practices might be legalized.⁹ This statement

⁴ *Unterricht und Demokratie in Amerika*, p. 1.

⁵ *The American Commonwealth*, ed. 3, vol. 2, p. 247.

⁶ *Life and Works of Horace Mann*, vol. 4, 11th Annual Report to the Massachusetts Board of Education, p. 175.

⁷ Dewey, *Ethical Principles Underlying Education*, p. 10.

⁸ Preface to Boone's *Education in the United States*, p. vii.

Early Laws
Permissive
Rather Than
Compelling

finds its application in educational endeavor no less than elsewhere in local and state policies and politics. And even when these early laws were framed, slight advantage was taken of them by the majority of communities. Public sentiment, again urged into action by individual aggressive minds, secured compulsory rather than permissive laws. But these were also ignored, and were either repealed or remained with the earlier laws as dead letters upon the statute books.¹⁰ Fines were imposed for non-compliance with the laws, whether relating to the establishing of schools, the attendance of pupils, the raising of revenues, the length of term, or other important or detail matter.

Lacking
Machinery for
Execution
Laws are
Valueless.

For long these fines were levied but seldom collected. Laws may be enacted, but their value and significance lies in their enforcement. No provision was at first made for such enforcement, and in this is seen one of the chief causes for the lapsing of laws and the nullifying of legislation. And even when provision was made to carry the laws into effect, the officers empowered to execute them were often in sympathy with the local community rather than with the law-making body. Or the fines imposed for non-compliance were paid, but the existing state of affairs remained unchanged. Rather than establish a school, the residents of a given locality would pay the fine imposed for negligence, admitting openly that a five-pound fine inflicted less of a financial burden upon the community than would be entailed through the construction of a school building, the paying for the services of a teacher, and the funding of the school.¹¹ And more than all else the loss of the boy or the girl from the work of the farm, the shop, or the home while in attendance at school was considered serious indeed.¹²

Laws Openly
Evaded and
Fines Paid

A people transplanted from distant shores to a strange land has much to occupy its time other than with thoughts of educa-

⁹ Let the reader recall that long continued usage or practice leads to implied powers, and that from such usage developed the so-called "common law." Statute laws are derived only from the consent of the governed.

¹⁰ Webster, *Recent Centralizing Tendencies in State Educational Administration*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 176.

¹¹ Whitten, *Public Administration in Mass.*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, p. 404.

¹² Draper, "Educational Organization and Administration," in *Mono-graphs on Education in the United States*, p. 5.

tion. The early settlers in New England and along the Atlantic seaboard had to clear the forest and subdue the soil. They possessed few tools or utensils, no machinery, and what they did not make or produce or bring from over sea, they were forced to get along without. Travel was slow and tedious and beset with hardships; the winters were long and severe, and savage beasts and hostile Indians frequently made them their natural enemies. It is not surprising that the school developed slowly and with effort, even at a later day when public sentiment was strongly cast in its favor.

Serious
Problems
Facing Early
Settlers
Retarded
School Growth

But if in the earlier times the importance of education in its *general aspects* was scarcely understood by the rank and file, how much less consideration would be given the principles of supervision, the value of system and organization, the broad phases of administration, or the necessity for the focusing of authority. And those who had sought a new home that religious and political freedom might be theirs, were naturally strong in the faith that this freedom could be had only under the most decentralized conditions. They looked forward to a *real democracy*, but a democracy in which the parts were played directly by each individual rather than by proxy, through representation. As Martin says in speaking of the Massachusetts Puritans: "They came here to found a state—an English state and a Puritan state."¹³ We may appreciate the lack of understanding at this early day that, "Division of labor in education, as in other human industry, works out its own economy. And the authoritative management of schools is justified, not alone because the training of the mind is of overwhelming importance, but on the plain business principle that the economical use of resources is the first step to success."¹⁴

Our
Forefathers
and Local
Self-
Government

Of these early struggles in our own country, from meager educational beginnings toward front rank amongst the nations, the average school man knows little. He studies the history of education of the days of the Egyptian, the Oriental, the Hebrew; he familiarizes himself with the thought of the Greek and Roman supremacy; he reaches back to the Middle Ages and the Renaissance, and is on speaking terms with the ideas and ideals of the

History of
Education in
America a
Closed Book
to Many

¹³ *The Evolution of the Massachusetts Public School System*, p. 4.

¹⁴ Boone, *Education in the United States*, p. 94.

philosophers and reformers of the more recent centuries in Germany, in France, in England, and the other continental countries. This knowledge the student of education should possess. But little indeed do most school men of today know of the development of educational thought in our own country, and of the bearing of this development upon our future educational policies.

One cause of this dearth of knowledge lies in the fact of the meager amount of material in *usable* form bearing upon the growth of our educational history. Moreover, the lack of organization, from a national and interstate point of view, has made information difficult to obtain. This is simply stating in other terms that local autonomy rather than centralization of powers has prevailed. Time, like distance, lends a perspective and furnishes a point of view. The strengths and weaknesses of our system were early seen by English, French, and Germans, and to the reports of foreign visitors and commissions we must frequently turn for side-lights upon ourselves.

The importance of the administrative side of educational affairs is daily becoming more apparent, and to the cities rather than to the rural districts we must look for our greatest advances in theory and practice.¹⁵ As cities become more populous, and as the problems looking toward solution increase, the tendency is to repose ever enlarging powers in the man or woman who, more than any other, is responsible for the conduct of a city's schools.

"The problems of cities," says Goodnow, "are many and diverse, and the general argument for state centralization does not mean that the city should have no autonomy. Too close scrutiny of local affairs in a city by the state legislature, results in lack of interest on the part of the citizens of the municipality, especially if political rather than civic motives govern the state body."¹⁶ If the city is not given sufficient free hand in the matter of shaping its policy there will be a lack in the satisfying of its local needs; vigor from within as well as local autonomy is

Cities to
Point the
Way in
Educational
Development

Goodnow on
Danger of
Over
Supervision
of City
by State

¹⁵ Ramage, *Local Government and Free Schools in South Carolina*, J. H. U. Studies in Hist. and Pol. Sci., vol. 1, chap. 12, p. 40.

¹⁶ *The Principles of the Administrative Law of the United States*, p. 171.

lacking. If, on the other hand, the necessity for fulfilling certain central state functions be overlooked, then there results lack of that uniformity so necessary to efficient administration.¹⁷

“When the superintendent was only a successful teacher or principal promoted, there was unavoidably little philosophical study of the problem and conditions of education; but with the professional aspect of teaching is recognized a demand for educators fitted for supervision and criticism; for men whose comprehensive training, habits of scientific thinking, a careful and continued study of the historical aspects of education and its kindred philosophies, entitle them to speak with authority on current questions and in the organization of systems. No one can better render this service to education than the city superintendents, because under no other circumstances are the opportunities of manifold observation and repeated comparison and verification of pedagogical facts so numerous or available.”¹⁸

Boone on
Opportunities
of City
Superintendent.

Here again is noted another cause of the growth of centralization, and particularly in the office of city superintendent. In the early days knowledge of teaching was the main quality to be asked and demanded in a superintendent. He must now be an administrator as well; must understand legislation and law, have a firm grasp upon financial affairs, be familiar with the principles of organization, and able to take his place as a man among men in the real work of the world and in the internal development of the municipality.

City
Superintendent
Must be
a Man
of Affairs

The growth of cities is a tremendous growth. Few of our large cities can adequately care for and house the pupils who seek entrance to the schools. Crowded rooms and half-day sessions are frequently the rule. Action on a multitude of matters must be taken promptly, as unnecessary routine and delay may occasion grave injustice.¹⁹ Added to the extensive movement cityward, the shifting of the family life from the home to the flat,²⁰ the political and social waverings and unrest, there are vexing problems of transportation of pupils, the furnishing of books and supplies, care of delinquents and defectives, matters relating to health and sanitation, the assimilation of many foreign

¹⁷ Goodnow, *Municipal Problems*, p. 27.

¹⁸ Boone, *Education in the United States*, p. 113.

¹⁹ *Report of the Comm. of Fifteen on Organization of City School Systems*, pp. 115, 116.

²⁰ Chamberlain, *Discussion: The Adjustment of the School System to Meet the Changed Conditions of the Twentieth Century*. National Council of Education, N. E. A., 1909, p. 412.

Complex City
Problems Look
Toward
Centering
Authority in
Hands of
City Officials

elements and the converting of them into American citizens, the problem of necessary unity while not bringing about rigid uniformity or ignoring individuality, and withal, the constant legal and financial phases always before the administrator—these are exerting a mighty influence and have slowly and constantly aided in placing power in the hands of the city superintendent. Of course the growth of education as a science and of teaching as an art has had its effect as well.²¹ In the matter of individual initiative, note Fitch's contention that progress comes not through uniformity but by differentiation;²² that, though we lack a central authority in America in matters educational, there is unity of aim. The state is the all-important element in the development of education, and under it and through self-government we desire to achieve democracy.²³

Given that the superintendent be prepared for his work, the fruit of his hand will be the most complete and far reaching only as he is allowed wide range of freedom in action, and powers of an executive and judicial as well as of an administrative nature. He should then be freed from political strife and, with responsibility thus placed, be held strictly accountable for results.

The Problem
Stated

To note closely the province of the office of superintendent of city schools, to trace its growth and to indicate how these lines of progress and the present status imply further change, is our problem. Much of a general nature has been written, although few detailed studies have been attempted. The town, district, parish, township, county, and state forms of organization and the work and powers of school officials attached to these units have received considerable attention at the hands of others. The rise to power of the city superintendent is of comparatively recent date.

To understand at all fully the movement toward municipal control we must study carefully the history of these earlier

²¹ *Report of the Comm. of Fifteen on the Organization of City School Systems*, pp. 129, 130.

²² "The Study of American Education: Its Interest and Importance to English Readers," in *Special Reports on Educational Subjects*, vol. 10, part 1, of *Education in the U. S.*, pp. 4, 5.

²³ *Ibid.*, p. 10.

organizations,²⁴ for in them will be noted the foundations of the city school unit. And we may note as well the fact that originally the term *municipal laws* was used in connection with a free town or city. Today, in the larger sense, a state or nation, as an entity, is subject to municipal laws.²⁵ "Municipal laws are, therefore, rules of civil conduct prescribed by the authority of a state, to regulate the action of the inhabitants in their intercourse with one another. They are designed for the good government of the people and to protect every individual in the enjoyment of those rights which belong to him."²⁶ And in the last analysis we shall show that the state has final jurisdiction over the laws under which school systems work. Maxwell would thoroughly organize the state system. He says: "Again, in the existence of state boards of education and state superintendents we find evidence of the fact that the state still preserves the semblance of control over the public school even though it has lost or never possessed, or possesses only in a partial degree, the reality of self-control."²⁷ As Allison says: "The Department of education is a creature of the state."²⁸

State v.
Municipality.

In the subsequent sections is set forth a brief analysis of the town and district forms of government and the decentralizing tendencies incident thereto. Follows then a statement of the movement toward school administration as exemplified in increased powers of local and state government. The beginnings of village and city supervision are traced to the present day. The final steps looking toward centralization are disclosed in the results of an investigation of a number of city school systems, the analysis of recent changes in school laws, and the consideration of important legislative acts bearing upon the problem. The conclusions that may properly be drawn from the study, suggestions in administrative policy, and a comprehensive bibliography close the work.

Ground to
be Covered

²⁴ Draper, "Educational Organization and Administration," in Monograph on *Education in the United States*, p. 3.

²⁵ Smith, *Elements of the Laws*, p. 11.

²⁶ *Ibid.*

²⁷ *City School Systems*, N. E. A. 1890, p. 451.

²⁸ *City Government of Philadelphia*, J. H. U. Studies in Hist. and Pol. Sci., vol. 5, p. 42.

SECTION TWO

THE FOUNDATION OF SCHOOL ORGANIZATION: DECENTRALIZING
TENDENCIES UNDER THE
DISTRICT AND TOWNSHIP SYSTEMS

The school is one of the several institutions that enter into and make up the civil and social life of the people. Education is one of the important concerns making for progress and enlightenment. The school has developed along with the other human institutions, and in the need for and the growth of law in general is seen also the need for a body of law governing the schools. When decentralization in the various departments of our governmental system prevailed generally, this same tendency existed, of course, in the field of education. In the same way there is a close connection between centralization of school administration and state or national oversight of government. A review of administrative law will reveal the situation.

In order thoroughly to understand the meaning of the disintegrating tendencies in early times in matters educational, it will be necessary to recall some of the political history that lies back of us. And to appreciate fully the significance of the more recent strong movement toward centralization of power in school administration, the principles and growth of general administrative law must be scanned. For while the school seemed to feel, many times, as indicated in the previous section, the first impetus of the centralizing power, nevertheless the principles of administrative law had been alive from the beginning, and were working themselves out in a multitude of ways. "A study of government which excludes the consideration of the administrative system and actual administrative methods is as liable to lead to error as the speculations of a political theorist which have no regard for the principles of public law."²⁹

Growth of
Administrative
Law Indexes
Trend in
Educational
Administration

²⁹ Goodnow, *The Work of the American Political Science Association*, Am. Pol. Sci. Assn., no. 1, p. 43.

A country newly settled demands a wise head and a strong and steady hand to direct its affairs. In early New England under the English, in New York state under Dutch rule, and throughout the colonial period the governors were supreme. The organization of the day was essentially military, and necessarily so. Population was sparse. Travel was slow and tedious. Those situated miles apart were neighbors. The individual was forced to merge his will and desires with those of the group,³⁰ as the struggle was largely for physical existence, and the mistake of one could easily forecast the loss of all.

Colonial
Governors
Vested with
Large Powers

As the colonies grew more populous, as the people became more widely scattered, and the individuality of towns began to be felt, the power of the governor was curtailed. Then followed a period in which a few public officials performed, each, a varying list of duties, and later still a larger number of public servants was required. This need for expansion was everywhere felt as the colonies continued to develop. Settlements grew into towns. Many new neighborhoods sprang up. Where such adjacent towns had been united, these were now subdivided. As time went on, districts for various purposes were formed. Roads were a necessity. Churches were called for. Courts of law were required. Centers of commerce and trade were needed. Schools were demanded. For these and for other purposes, districts or subdivisions of the towns were created.³¹ The larger units were broken into smaller ones.

Need for
Local Self-
Government

At an early day in New England development, is noted this first strong tendency toward local self-government. And not alone in the organization of the schools but throughout the civic life of the people. Bishop Frazer, after his visit to this country, declared the underlying principle of our democratic institutions, and the mainspring of our school system, to be local self-government.³² "Wherever there has been self-government," says Draper, "there have been common schools; wherever there have been common schools mental strength and manly independence

³⁰ Chamberlain, *Standards in Education*, p. 24.

³¹ Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, p. 4.

³² Quoted by Adams in *The Free School System of the United States*, p. 17.

have developed, and the government has been a democracy, or the kinship has been only a name."³³ It is McCarthy's opinion that centralization takes place in commerce and industry, through the growth of the economic system. The local units are likewise beset with serious problems, and power must be given them to work out their own salvation.³⁴

Under the New England system the district was the chief source of power. The ballot of the people was supreme in the matter of kinds and grades of schools, subjects to be taught, length of term, qualifications and remuneration of teachers, location, cost, and character of school houses, and every possible detail that could confront the residents of a given community.³⁵ And undoubtedly the hold of the local town and district upon the people of New England is owing in large measure to actual participation of each townsman in the local affairs. All matters relating to the common good were taken before the town meeting.³⁶ It was possible under the existing conditions for the people to come into close touch, each with the other. "Civilization," declares Boone, "is then the art of living together in civil society in social groups under government, involving interests that are both individual and general. Between these two play the great social forces that make history."³⁷ Note here the extreme of individualism, local government, personal responsibility, as developed under "States Rights," and over against this the universal rights of man, the national or federal conception. Our problem is so to coalesce the two forces, the individual upon the one hand and society upon the other, as to make for the greatest good of all—centralization, and, not to detract from the initiative, the responsibility, the personal equation of the individual,—self-government.

Now the distintegration of towns, the spreading out of peoples and the forming of new neighborhood groups, each with its own

Extreme
Individualism
in New
England
Towns.

³³ Draper, *New York Common School System*, p. 45.

³⁴ *Remedies for Legislative Conditions*, Am. Pol. Sci. Assn., vol. 4, p. 88.

³⁵ Wileox, *Legal Rights of Children*, U. S. Bureau of Education, Circular of Information, 1880, no. 3, p. 37.

³⁶ MacLear, *Early New England Towns*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 29, chap. 7, pp. 161-168.

³⁷ Lecture, University of California, Nov. 26, 1910.

³⁸ *Principles of the Administrative Law of the United States*, p. 17.

peculiar local problems, its individual ideals, and its specific environing conditions, would of necessity call for changes and modifications in the law on its administrative side. "Administrative law treats of the powers and duties of officers whose main function is to execute the law," says Goodnow.³⁸ But because of local desires and needs and jealousies and ambitions, the powers and duties of a given officer in one locality were not always identical with similar duties of a like officer representing another section.

Community
Growth and
Adequate
Administrative
Law

"All states of any size must be divided into districts in order that the work of many branches of government may be satisfactorily carried on. Thus, for the purpose of the administration of justice there must be districts in each of which are situated judicial officers having jurisdiction over the district. Further, almost all states of any size are based, from the historical point of view at least, more or less on the federal idea. Thus the State of Connecticut really resulted from a combination of various settlements which were made within the limits of the present state.³⁹ In many states, however, the growth of the lowest local units, like that of the towns into the counties, and that of the counties into the state, is not clear. In some states, indeed, the state antedates the local districts. At the same time, in most instances the state makes the most important districts into which it is divided for purposes of state government something more than mere administrative districts. In endeavors to encourage within them the development of a local life of their own, separate and apart from the life of the state. It vests them with powers to satisfy local needs and not infrequently delegates to them, or to officers chosen by the inhabitants of each of the districts, the power to act in certain branches of administration which are of peculiar interest to the state as a whole, and interest only indirectly the people of such district. In so far as the state grants powers to its local divisions, or vests the officers chosen by the people of such divisions with governmental authority, the administrative system is called a decentralized one—one of local self-government. In so far as the state does not adopt such a policy, that is, in so far as the state reserves to its own officers the power to act in the execution of the law or subjects the officers of the local communities—if such are recognized—to the supervision and control of state officers in the execution of the law, the administrative system is called a centralized one."⁴⁰

Division of
Larger
Areas, a
Necessity

Goodnow
Defines
Centralization
and
De-
centralization

The local units of the colonial period are simple of definition, although the plan in operation in one section did not always

³⁸ "In Rhode Island it was the Towns that made the State," Bryce, *The American Commonwealth*, ed. 3, vol. 1, p. 621.

⁴⁰ Goodnow, *The Principles of Administrative Law of the United States*, pp. 55-56.

Town,
Township,
and County
as Local
Units

exist in the same form in another locality. Three fairly well defined schemes of organization may be mentioned. In New England the town was the all important *motif* around which all civic, social, and other interests centered. In Pennsylvania and throughout the middle portions of the territory of the thirteen original colonies, both town and county forms were in force, with major emphasis upon the county. The southern colonies recognized the county unit as best fitted to their local conditions, this being based largely upon their extensive property holdings.⁴¹ There was, however, in the southern states, not only the parish unit, as in Louisiana, and in South Carolina as well at an earlier day, but there existed other local divisions smaller than the counties. This last statement defines the condition as it exists at present, the local units varying in different states, and the local authorities being responsible to the county government.⁴²

Each Local
Unit a Law
Unto Itself

Early became manifest in Massachusetts the tendency to separate towns into districts and subdivisions. For the government of these road, parish, school, or other districts, laws were enacted by the central authority. The local authority was, nevertheless, left to administer these laws. Every locality or district thus formed insisted upon a code, or an interpretation and administration of the code such as it thought would best serve its individual interests. This naturally led to many statutes and penalties of the most intricate and detailed nature. The towns in this way became authorities of enumerated powers, where once they had been autonomous.⁴³

New York
State
Localized

While not so apparent as in New England, the situation in New York state was much the same. Fairlie shows that during the seventeenth and eighteenth centuries autonomy was constantly swinging toward the towns, and the powers of the governor were becoming lessened.⁴⁴ In 1691 the legislature was established, and, working through the county form of government, the maximum of decentralization was reached about 1875.

⁴¹ *Op. cit.*, p. 182.

⁴² Bryce, *The American Commonwealth*, ed. 3, vol. 1, p. 599.

⁴³ Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, p. 4.

⁴⁴ *The Centralization of Administration in New York*, *ibid.*, vol. 9, p. 421.

In Massachusetts, until the law of 1647 was enacted, education was purely a voluntary matter. An earlier law (1642) simply declared that "the child must know how to read and understand the principles of religion and the capital laws."⁴⁵ The law of 1647 required all towns of fifty householders to establish and maintain schools. Moreover, in each town of one hundred householders a Harvard fitting school (grammar school) was required to be maintained.^{46 47 48 49} This condition existed until 1789. Thus the town itself, or the township, rather than a group of men or a committee, was responsible.⁵⁰ But the laws were ignored, and in consequence, fines were imposed by the courts. If a town failed to comply with the law in the matter of establishing or maintaining a school, a fine of five pounds was levied, the nearest grammar school being enriched by this amount.⁵¹ In 1671 the penalty was doubled and in 1701 it was again doubled. The year 1718 saw a further increase in the fine.⁵² All this came about because in most instances the fine was paid, the town remaining without school facilities. The fine was

Responsibility
Not Met
By Towns

Fines and
their Failure

"It was soon seen," says Draper, "that many who had children to educate would neglect them to avoid the expense of contributing to the support of the school. Aside from this the schools were very indifferent affairs. If they were to be of any account they must have recognition and encouragement. It was easily conceived to be a function of government to *encourage* schools. Encouragement was given by official and legislative declarations in their behalf and then by authorizing townships to use funds derived from excise fees and other sources for the benefit of the schools when not otherwise needed. It was a greater step to attempt to say that townships should require people, who had children to educate, to maintain schools."⁵⁴

Draper on
the Attitude
of Government
Toward Early
Schools

⁴⁵ Martin, *The Evolution of the Massachusetts Public School System*, pp. 14-15.

⁴⁶ *Massachusetts Colonial Records*, vol. 2, p. 203.

⁴⁷ Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, p. 403.

⁴⁸ Hinsdale, *Horace Mann*, pp. 3-4.

⁴⁹ Hinsdale, *Documents Illustrative of American Educational History*, U. S. Commissioner of Education, 1892-93, vol. 2, p. 1232.

⁵⁰ Suzzallo, *The Rise of Local Supervision in Massachusetts*, pp. 10-11.

⁵¹ Hinsdale, *Horace Mann*, p. 4.

⁵² Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, p. 404.

⁵³ *Ibid.*, p. 404.

⁵⁴ "Educational Organization and Administration," in *Monographs on Education in the United States*, pp. 5-6.

reduced in 1789. As Whitten points out,⁵³ it was much less of a financial burden to pay the fine than to live up to the law, and especially was this felt to be the case in the poorer localities.

In the words of Abraham Lincoln:

The
Function of
Government—
Lincoln's
View

“The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot so well do for themselves, in their separate and individual capacities. In all that people can as individuals do as well for themselves, government ought not to interfere. The desirable things which the individuals of a people cannot do, or cannot well do, for themselves, fall into two classes: those which have relations to wrongs, and those which have not. Each of these branches off into an infinite variety of subdivision.

“The first—that in relation to wrong—embraces all crimes, misdemeanors, and non-performance of contracts. The other embraces all which in its nature, or without wrong, requires combined action, as public roads and highways, public schools, charities, pauperism, orphanage, estates of the deceased, and the machinery of government itself.

“From this appears that if all men were just, there still would be some, though not so much need for government.”⁵⁵

The town meeting house was the center of all religious and secular life and activity in the New England town. Here the school was held at the beginning of the eighteenth century, before the school house came to be. In the earlier days the school was a private affair and was held at the house of the teacher, or more generally in the home of one of the pupils. When the weather permitted, school convened in the meeting house, “on condition that he (the school master) left it clean and mended all the windows that his boys broke.”⁵⁶ Still earlier, the families who were financially able to do so, engaged a private tutor, and the custom prevailed for many years among the more well-to-do Dutch and English, of sending their boys to Europe for an education.⁵⁷ Of course the poorer classes were left entirely without any such opportunity.

Pre-Public
School
Education.

It may not be out of place here to recall the effect produced by the early Dutch upon the school system as it developed in New

⁵³ Speech on Government, July 1, 1854, Nicolay and Hay, *Lincoln's Complete Works*, vol. 1, p. 178.

⁵⁶ Quoted by Martin, *The Evolution of the Massachusetts Public School System*, p. 51.

⁵⁷ Schepmoes, *Rise and Progress of the New York School System*, p. 6.

⁵⁸ *Origin and Development of the New York Common School System*, p. 10.

⁵⁹ *American Spirit and the Genesis of It*.

England. Draper says that Holland rather than England gave us free schools.⁵⁸ Elting contends that Mr. Motley was correct in the statements made in his letter to the St. Nicholas Society (and quoted by Elting from Storr's citation),⁵⁹ that the impetus given the principles of educational foundation and administration really came to the colonies through the Dutch.⁶⁰ That this spirit of supremacy the Dutch have sought to maintain to the present day, evidence is not lacking. The schools of Holland have achieved universal recognition, and Dean Barrows, who as Director of Education for the Philippines made an exhaustive study of the educational situation in the Far East, states his belief in the superiority of the schools of Java—under Dutch rule. The schoolmasters are sent out from Holland, are well trained, well paid, and work under an adequate retirement schedule.⁶¹

Impress Left
by the
Dutch

Early custom, in the management of school matters, it will be observed, grew up aside and apart from any form of legislation. As occasion seemed to justify or demanded, existing custom was made lawful through legislative enactment. When the school was transferred from the private house, where several families had combined in securing and paying a teacher, to the public school house, taxes were levied and money raised as the residents of a town preferred. School houses began to appear. In 1789 the customs were enacted into law, and in 1817 the district was made a corporation.⁶²

Says Draper in this connection:

"Therefore, while the desirability of education was recognized, it was understood to be the function of parents to provide it for their children, or of guardians and masters to extend it to their wards and apprentices. When schools were first established they were partnership affairs between people who had children in their care, and for their convenience. They apportioned the expense among themselves; such as had no children were without much concern about the matter."⁶³

⁵⁸ *Dutch Village Communities on the Hudson River*, J. H. U. Studies in Hist. and Pol. Sci., vol. 4, pp. 14-15.

⁶¹ Lecture, University of California, Nov., 1910.

⁶² Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, p. 405.

⁶³ "Educational Organization and Administration," in *Monographs on Education in the United States*, p. 5.

Early
Legislation in
Massachusetts.

The Massachusetts law of 1789,⁶⁴ while a most significant instrument as indicating the temper of the people regarding education and as giving to schools a status, at the same time conferred upon the districts no powers whatsoever. In 1800 the power to levy taxes was conferred upon the people of the district, and in 1817, when the district was made a corporate entity, the power to make and enforce laws was conferred.⁶⁵ Webster goes on to show that ten years later the people were granted power to elect prudential committees who should have care of property, arrange details as to qualification and compensation of teachers, and the like. In following out this movement, Goodnow declares that "no considerable degree of local action has resulted from the extreme decentralization incident to the growth of local units."⁶⁶

State
Promotion of
Education in
New York
State

While, in New York, as has been said, the common school came into existence through the channel of the home, and was financed by local or private funds, the academies were first established through legislative action.⁶⁷ Five years before the opening of the nineteenth century, however, a bill passed the legislature, calling for an annual appropriation by the state of £20,000 for the support of common schools. In the year 1691, the year of the establishment of the legislature, a bill had been presented looking toward the appointment of a schoolmaster in every town. This bill was not acted upon. The district trustees reported to their town officers such matters of attendance and general statistics as were necessary, and for ten years, from 1795, the state aid was continued.

But no provision was made for school inspection, and the appropriation lapsed, as the funds were not being used to the best advantage. A decision was then reached to withhold all state moneys from disbursement to the districts until the annual interest on the invested fund amounted to \$50,000. The Massa-

⁶⁴ Hinsdale, *Documents Illustrative of American Educational History*, Comm. of Education, 1892-93, vol. 2, pp. 1234-1237.

⁶⁵ Webster, *Recent Centralizing Tendencies in State Educational Administration*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 166.

⁶⁶ *The Principles of the Administrative Law of the United States*, p. 167.

⁶⁷ Fairlie, *The Centralization of Administration in New York State*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 433.

⁶⁸ *Ibid.*

chusetts plan of the district system was then put in force, and the state grants made conditional upon each local unit's raising an amount equal to the state grant.⁶⁸ This, of course, acted as a lever upon the local communities. In order to secure state appropriation the local units would go to limits that before they had not attempted. The promise of state aid supplied a strong weapon in the hands of those who were looking toward improved school conditions. The financial bait furnished from the material side a tangible argument to those who were before lacking in public spirit. And jealousies of a local character would prompt each neighborhood to be first in securing the state grants. As an economic measure the state appropriations rendered it possible for localities at low financial ebb to make a showing with their more flourishing neighbors, and to add to the general educational uplift.

The distinction between district and township, not as regards governmental but as school units, is not always clearly understood. In consequence, a seeming contradiction is sometimes noted in the statements of various authorities. Fairlie says that the township system ceased by the middle of the eighteenth century and the district system began.⁶⁹ The so-called township system is more clearly marked in its workings in the Middle West and in the Ohio country.

The famous Ordinance of 1787 recited that "Religion, Morality and Knowledge, being essential to good government, schools, and the means of education, shall forever be encouraged." The "Western Territory," that then frontier region north of the Ohio River, with the exception of certain unimportant reservations, became the property of the general government at the close of the Revolution. The Ordinance provided for a division of the "Western Territory" into townships of six miles square each. The several mile-square sections were numbered from one to thirty-six, inclusive, and section sixteen in each township was set aside for the purposes of education. Thus is noted the genesis and significance of the township movement in the West. Wherever the township existed in New England, it was simply the district unit expanded—a union of smaller districts for economic or high

The Township
in the West.

⁶⁹ *Ibid.*, p. 166.

school purposes, or for better serving educational ends. The school district, while the oldest form of school organization, is also the smallest, the geographical setting of the locality or the needs and desires of the people of a given neighborhood determining its boundaries.⁷⁰ The township form of organization offered increased opportunities for advancement, larger and better schools, more adequately paid and hence more thoroughly qualified and better satisfied teachers, and more scientific supervision.

Enactment of
1701 in
Connecticut

The district system proper had its rise in Connecticut during the first year of the eighteenth century. Here it flourished with more or less success, and some fifty years later Rhode Island came to use the same plan, Vermont introduced it some years subsequently, and New Hampshire followed in 1805.⁷¹ In Connecticut, according to enactment of 1701, "the inhabitants of each town in this colony shall pay annually forty shillings in every thousand pounds in their respective county lists and proportionately for lesser sums, toward the maintenance of the schoolmaster in the town where the same is levied."⁷² As illustrating the fact that at this early day education was considered more than a local matter, even under the district system, this same act of 1701 goes on to declare that where the local community is unable financially to maintain a suitable schoolmaster, assistance must be secured otherwise. However, a deficit from insufficient town levy was usually made up, one-half from the inhabitants of the town and one-half from the parents or guardians of school children. Barnard, in treating of education under this law, says: "The school therefore embraced every family and town, all classes of children and youth, and all the recognized grades of schools . . . Here was the foundation laid, not only for university education, but for a practical, political and social equality, which has never been surpassed in the history of any other state."⁷³

⁷⁰ Draper, *Educational Organization and Administration*, in *Monographs on Education in the United States*, p. 7.

⁷¹ Boone, *Education in the United States*, p. 96.

⁷² Hinsdale, *Documents Illustrative of American Educational History*, Comm. of Education, 1892-93, vol. 2, p. 1247.

⁷³ "History of Common Schools in Connecticut," *The American Journal of Education*, vol. 4, pp. 695, 696.

In larger towns containing parishes, there grew up a close relation between the ecclesiastical and educational interests. While in the smaller New England towns the interests of the two were identical, in the larger centers of a later day the parish idea still prevailed, but the geographical limits were changed. Thus in Connecticut the dual interest caused class distinction of education. These decentralizing tendencies had their influence throughout the country.⁷⁴

The Parish
Plan

“Every town where there is but one ecclesiastical society, and having seventy householders and upward, and every ecclesiastical society having that number of families, shall maintain at least one good school for eleven months in the year; by a master sufficiently and suitably qualified. . . . The selectmen of each town, where there is but one ecclesiastical society, and a committee of each society where there are more than one, are empowered to manage all lands and funds belonging to the town or society for the benefit of the schools.”⁷⁵

In Louisiana the parish unit is simply an expanded township, the organization comparing favorably with the county system of the Middle West. The French left their impress upon Louisiana not alone in matters pertaining to education, but through the social and civic life of the people, just as Spain colored the life and the law of Florida, California, and New Mexico,⁷⁶ and as Holland and England influenced largely the thirteen original colonies. Bryce says: “In South Carolina the parish was originally a pretty strong local unit, but it withered away as the country grew under the influence of the plantation system. The word ‘parish’ is in America now practically equivalent to ‘congregation,’ and does not denote a local area.”⁷⁷

To paraphrase Webster’s summary of the results of the district system, we may say that it is productive of a narrow provincialism; is uneconomical; calls for many school officials and school elections; lends itself to distinction and bias in non-uniformity of tax levies; opens up opportunities for special favors and personal privileges; through lack of uniformity, makes organization and systematization impossible, and grading, classifica-

Weaknesses
in District
System:
Webster’s
Summary

⁷⁴ Boone, *Education in the United States*, pp. 97, 98.

⁷⁵ Barnard’s Summary of Revised Statutes of 1750, Comm. of Education, 1892–93, vol. 2, pp. 1251, 1252.

⁷⁶ Sullivan, *American Business Law*, p. 4.

⁷⁷ *The American Commonwealth*, ed. 3, vol. 1, p. 599.

tion, and supervision difficult, and gives rise to individual differences and neighborhood disputes over locations and boundaries.⁷⁸

Whitten contends in his *Public Education in Massachusetts*, that the same arguments against the public school system now would not apply in an earlier day, when skilled instruction was uncommon and education was not a science or teaching an art.⁷⁹ Boone states that, "Growing out of these applications of the principles of decentralization were two evils that were vicious in every way,"⁸⁰ and gives these as the farming out of school revenues, and the wasteful and impedagogical tendencies. In Connecticut, as early as 1844, a committee was appointed by Governor Baldwin to consider the matter of a more efficient public school system. This committee, among other recommendations, reported as follows: "There can be no doubt that, in general, small districts are an evil, and should be avoided, except under peculiar circumstances. A capitation tax should also be avoided, as it operates often in keeping the children of the poor from school."⁸¹

In Ohio, Indiana, and other states carved from the "Western Territory," the evils of decentralization were keenly felt. In Ohio, where certain lands were still held by Connecticut and Virginia previous to 1787,⁸² the Ohio Company in that year purchased extensive tracts and Congress gave additional sections for school purposes. The claims of the Western Reserve had been met, and a total of one-thirty-sixth⁸³ of the area of the state was put at the disposal of public education. The legislature mismanaged the leasing of these lands. Later, the governor or township trustees had this leasing in hand, and discontent and defrauding prevailed. When, after many petitions to Congress for permission to dispose of these school lands, the prayer was finally granted, the proceeds from the sales were often diverted to private channels. In one instance a senator secured seven sections for himself and family.⁸⁴

Sale of
Lands from
Western
Reserve

⁷⁸ *Recent Centralizing Tendencies in State Educational Administration*, Col. Univ. Studies in Hist. Econ. and Pub. Law, pp. 168-171.

⁷⁹ *Ibid.*, p. 406.

⁸⁰ *Education in the United States*, pp. 98, 99.

⁸¹ Barnard, "History of Common Schools in Connecticut," *The American Journal of Education*, vol. 13, p. 729.

In Indiana in 1816, twenty householders on petition could authorize the election of three trustees, with power to organize and conduct a school.⁸⁵ In 1824 the law provided for the incorporation of congressional townships. Subsequently these townships could be divided into districts, three trustees being appointed for each. Orth, in his work on *The Centralizing Tendencies in Ohio*, goes on to show that from these beginnings of the district system, there grew up the extreme idea of local pride and self-government,⁸⁶ and out of this came a multiplicity of small schools. When in 1833 the connection between the township and district was severed the people elected the trustees.

Growth of District System in the "Western Territory"

As in New York, where, after the bill of 1795 giving state aid to the schools had been acted upon favorably, but no provision made for school inspection, so here in the West, the school once ready for occupancy, the levying and collecting of school taxes had not been provided for. Here, as in New England and New York, a financial arrangement between the teacher and the parents was agreed upon. Or if state moneys were used, the treasurer paid the teacher on the basis of actual attendance of children.⁸⁷ In sparsely settled districts or where the children were needed at home great injustice was thus done the teacher, on the financial side, there being no satisfactory compulsory attendance laws in force. The compensation was too meager to secure a competent man or woman, and because few qualified individuals, however philanthropically inclined, could afford to give much of their time to further the cause of education, the teaching personnel was constantly changing. Failure to provide a teacher was warrant for any town resident to engage one, and instructors thus engaged, of whom there was a comparatively

State Aid Not Followed by Enabling Laws

⁸² Connecticut retained control of a strip of land south of Lake Erie, known as "Connecticut Western Reserve"; Virginia retained a strip called the "Virginia Military Tract," and what was known as the "United States Military Tract" was set aside by Congress. See Orth, *The Centralization of Administration in Ohio*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 395.

⁸³ *Ibid.*, p. 395.

⁸⁴ *Ibid.*, p. 401.

⁸⁵ Rawles, *Centralizing Tendencies in the Administration of Indiana*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 28.

⁸⁶ *Ibid.*, p. 31.

⁸⁷ *Ibid.*, p. 32.

large number, were entitled to their proportion of revenue from the township.⁸⁸

Summary of
Rawles's
Analysis of
District
Organization

In his *Centralizing Tendencies in the Administration of Indiana* Rawles finds the weaknesses in the district system to be an insufficient length of school term; incompetent teaching force and lack of uniformity in text books and grading; excessive cost in school maintenance owing to unnecessary number of schools, teachers, and school officials; non-enforcement of school laws; lack of business methods applied to administration of finances; quarrels over sites and boundary adjustments, and lack of supervision and knowledge of the significance of education.⁸⁹ In discussing this question Thurber takes the ground that if the decentralized form of education corresponds to the general type of local government, then greater centralization can not be substituted. Local autonomy brings out individual initiative, meets local needs instantly, and creates a healthy rivalry. The teaching force may be recruited from those unable to qualify technically, and under this system the teacher knows the local needs. Withal it comes nearer to the social life of the community than does any other plan.⁹⁰ "The fostering of the people's interest in the school, and the protection of their rights will warrant the placing of a large measure of power and responsibility directly into their hands and into the hands of local boards."⁹¹

Local Pride
as a Spur
to Progress

Says Dr. John D. Philbrick in his epoch-making report in 1885: "An eminent pedagogue and savant of France (Michael Bréal) finds one of the principal causes of the supremacy of Germany in the matter of popular education, in the exceptional division of the nation into so many independent sovereignties. A sort of emulation was created among them, and thus the improvements realized at any one point were gradually adopted by the entire nation. The same emulation continues today. In like manner an emulation has been created among our cities which has greatly promoted educational progress."⁹² It must be re-

⁸⁸ *Ibid.*, p. 33.

⁸⁹ *Ibid.*, p. 34.

⁹⁰ *The Principles of School Organization*, pp. 18-20.

⁹¹ Prince, *School Administration*, p. 2.

⁹² *City School Systems in the United States*, U. S. Bureau of Education, Circular no. 1, p. 7.

membered, however, that in Germany, where the government is strongly centralized, the conditions are vastly unlike those obtaining with us at present—much more dissimilar to those in force in America a century ago. This same emulation did not grow up between the many small, weak schools under the original district and township systems. As has been shown, the very opposite was many times the case. Neighborhood misunderstandings and quarrels led rather to unwholesome rivalry and competition than to unity of action and local improvement.

“As a matter of convenience, sub-districts may be formed in school corporations. Unequal distribution of population, the condition of roads, bridges, etc., make it impossible to fix by general statute the geographical boundaries of sub-districts. As population increases or shifts, and as the condition of roads and bridges is improved, frequent changes in the boundaries of sub-districts must be made; this is especially true in new states. If these changes in boundaries or sub-districts could be made without limitation by the people themselves, schools would be multiplied indefinitely. Hence, districts should be formed and houses should be located under the authority of the school boards of cities, towns, and townships, and not under the authority of each sub-district. In each township, town, or city, all the sub-districts should form one system and no more, and should be under the control of one body of school officers. The necessities of the case in respect to the location of schools, in respect to the combination of districts for the establishment of central graded schools, and economy in the matter of levying local taxes and in the management of the revenues arising therefrom, require a unification of all the schools in the township, town, or city under one board of control.”⁹³

Local
Segregation
Under
Direction
of Central
Authority

While originally an ally of the town meeting, the most democratic of units, it is plainly seen that the school district would not lend itself to economy in government, in maintenance, or in educational endeavor as would the larger township unit, made up of districts within the political township and simply merged for the purposes of school organization.⁹⁴ Superior school buildings, a lessening of bickering and strife, equality of interests and privileges, better grading and classification, simplicity in transfer of pupils, and other advantages accrue to the township over

Local
Autonomy
Does Not
Make for
Economy

⁹³ Smart, *The Best System of Schools for a State*, U. S. Bureau of Education, Circular of Information no. 2, 1880, pp. 32-33. See also N. E. A., 1880, pp. 32-33. Also published in detailed outline by Douglas and Carlon, Indianapolis.

⁹⁴ Foght, *The American Rural School*, p. 28.

the district plan.⁹⁵ To use the oft-quoted words of Horace Mann, speaking of the evils of the district system as legalized in the Act of 1789 in Massachusetts, it was "the most unfortunate law on the subject of common schools ever enacted by the state." And Prince speaks in derogatory terms of the law of 1789 which at a late date developed into a law that authorized the towns to elect special committees to look after the schools, and sanctioned the dividing of towns into districts with a prudential committee man for each to select teachers, etc., the same having been done before said law became operative.⁹⁶ The years 1826 and 1827, when the final touch was given this tendency toward extreme local government, "marks the culmination of a process which had been going on steadily for more than a century. It marks the utmost limit to the subdivision of American sovereignty—the high-water mark of modern democracy, and the low-water mark of the Massachusetts school system."⁹⁷

In this connection I cannot forbear to quote at length from a report made to the General Assembly of Connecticut in 1846. It recommends:

"To abolish all small districts, where it can be done without serious inconvenience.

Report of
1846 to
Connecticut
General
Assembly

"The appointment of a commissioner, whose sole business it shall be to visit schools, deliver addresses, confer with school committees, circulate information, furnish plans of school houses, and submit a detailed report of the condition of the schools annually.

"The establishment of a Board of Education, with a member from each county, and with power to appoint a secretary, who shall devote his whole time to these duties.

"The appointment of an officer for each county, or sectional district to visit the schools within his limits and report to the legislature on the school superintendent.

"The appointment of a single officer for each town or school society, to have the supervision of the schools in that town or society."⁹⁸

The English have been quick to discover the mistakes in our educational system even though, many times, halting in the correction of errors in their own.

⁹⁵ Report of the Sub-Comm. on School Maintenance of the Comm. of Twelve on Rural Schools, N. E. A., 1897.

⁹⁷ Martin, *The Evolution of the Massachusetts Public School System*, p. 92.

⁹⁸ *School Administration*, p. 249.

⁹⁸ First Annual Report by Beers, ex officio Superintendent of Common Schools; *The American Journal of Education*, vol. 13, p. 734.

“It is admitted by thoughtful Americans,” says MacCarthy, “that the policy as regards American rural schools has its elements of weakness as well as of strength. . . . May not the English admit that our policy also has its elements of weakness as well as of strength, and that too much centralization and too little trust in local interest in education is a characteristic of our system, just as too little of the former and too much of the latter is of theirs.”⁹⁹

English
Centralization
and American
Local Self-
Government

Note the following in relation to the practices in early Massachusetts:

“It is evident that this policy may have its elements both of weakness and of strength. It may allow to be left for a long time untouched many errors and defects in the management of the schools which might at once be removed if the state were to lay its hand directly upon them; and it may seem thus to fail and may perhaps really fail, in bringing the schools with sufficient promptness to the best attainable results. But, on the other hand, in its reliance upon the intelligence and carefulness of the people themselves in their several localities, and through the necessity of working only through such agencies, it may secure, in a more permanent form, the gains that are made.”¹⁰⁰

In the urban community with its larger opportunities, a given amount of money will bring more adequate returns than in the rural district.¹⁰¹ Hine points out that the town system is superior educationally, and has the advantage of the district unit from the financial point of view, but for a comparison to be drawn in any particular instance the policy of the district must be known.¹⁰² Naturally, as the district school term is usually of shorter duration than is the town term, the financial burden of the former is less. The district system, however, lends itself more readily to questionable political methods, especially where there is any tendency toward wrong doing. There are many unqualified teachers related to members of school committees or to their friends;¹⁰³ for with no central authority to nullify these unfortunate appointments, or to hold appointees for results, districts have constantly foisted upon them teachers of very indifferent training and capacity.

⁹⁹ *State Education for the People*, part iv, “Western State Education.”

¹⁰⁰ *Report of the Massachusetts Board of Education*, 1880-1881, p. 8.

¹⁰¹ Hill, *Discussion of Comparative Cost of the Township and District Systems*, N. E. A., 1897, p. 509.

¹⁰² *Ibid.*

¹⁰³ Stetson, *Discussion of Comparative Cost of the Township and District Systems*, N. E. A., 1897, p. 509.

Bryce on the
Superiority of
the Township
System

"Of the . . . types of local government . . . that of the town or township with its popular primary assembly is admittedly the best. It is the cheapest and the most efficient; it is the most educative to the citizens who bear a part of it. The town meeting has been not only the source, but the school of democracy. The action of so small a unit needs, however, to be supplemented, perhaps also in some points supervised, by that of the county, and in this respect the mixed system of the middle states is deemed to have borne its part in the creation of a perfect type. For some time past an assimilative process has been going on over the United States tending to the evolution of such a type. In adopting the township system of New England, the northwestern states have borrowed some of the attributes of the middle states county system. The middle states have developed the township into a higher vitality than it formerly possessed there. Some of the southern states are introducing the township, and others are likely to follow as they advance in population and education. It is possible that by the middle of the next century there will prevail one system, uniform in its outline over the whole country, with the township for its basis, and the county as the organ called to deal with those matters which, while they are too large for township management, it seems inexpedient to remit to the unhealthy atmosphere of a state capitol."¹⁰⁴

Town and
District Met
Early Day
Needs

As we now view the matter in perspective, and in the light of the development of education along with progress in all phases of our government, and in the rise of all our institutions, the true worth of the early system is forced upon us. When judged by results only and after weighing pros and cons, the supreme authority of each district was the best method for the time.¹⁰⁵ We see as well the lack of unity and definite organizing power so essential to most complete results. Certainly the district and township systems served their day and represented the truly democratic spirit of the time, just as the town meeting was best adapted to the life of the period, the temper of the people, and the environing conditions. The plan was in accord with the period. But as Adams says, "it is possible to push a healthy principle—that of local self-government—to an inconvenient extreme."¹⁰⁶ It can hardly be denied that individual initiative and local self-government acting under intelligent oversight give the preferable condition, and that small units of centralized power are not offensive.¹⁰⁷ We are familiar with the dual idea

¹⁰⁴ Bryce, *The American Commonwealth*, ed. 3, vol. 1, p. 261.

¹⁰⁵ Adams, *The Free School System of the United States*, p. 30.

¹⁰⁶ *Ibid.*, p. 34.

¹⁰⁷ Harris, *Discussion: Education in the Colonies*, N. E. A., 1900, pp. 310, 311.

that has prevailed since colonial times: in the one instance the more important matters of political organization and legislation directly in the hands of the people, and in the other this power intrusted or delegated to representatives of the people, to whom these representatives are responsible. If this latter plan were carried out properly, and if the people had effective control over those in power, there would be no need for any more direct democracy.¹⁰⁸ It is because of the constitutional checks upon the will of the majority that the people are anxious for any change that will give them fuller governmental control.¹⁰⁹ Finally, what the country system was to the southern states, and the parish plan to certain localities, the town and district were to New England. The town meeting, composed of qualified voters and "native American stock," and in a community where all could attend—the distance to a common center being not great and numbers comparatively few—the town meeting under such conditions is above criticism. The large community and the mixed voter render the institution incompetent for perfect work.¹¹⁰

We have noted a somewhat general agreement as to the value of the township or union district organization. This in itself is indicative of the movement toward more complete centralization and the organization of the schools under a more far-reaching and definite policy. Practically every state superintendent, in replying to an inquiry some years ago, agreed that better work could be accomplished on the larger scale, and that the township system was productive of greater uniformity, drew better men, entailed less expense, furnished a more satisfactory organization, and that as the prevailing early day conditions, in which the district flourished, had been removed, new plans were needed. The larger unit brought with it the township high school, which has become one of the strongest educational factors of our day. The number of school officials has been materially reduced. The township board is somewhat comparable to the city board, and the standards of the schools are greatly improved.¹¹¹

The Township
High School

¹⁰⁸ Smith, *Recent Institutional Legislation*, Am. Pol. Sci. Assn., vol. 4, p. 142.

¹⁰⁹ *Ibid.*, p. 147.

¹¹⁰ Bryce, *The American Commonwealth*, ed. 3, vol. 1, p. 595.

¹¹¹ *Report of the Comm. on State School Systems: Ungraded Schools*, N. E. A., 1895, pp. 464-466.

The Voice
of the
Opponents of
Centralization

It is only proper that there should be heard the voice of one who has given much thought to the question, and who decries the tendency toward centralization. This exponent of "power in the hands of the people" represents a small minority who see danger ahead. The local needs have incited each local community to work out its own plan, and general legislation has followed and made permanent a permissive system. Real progress is based upon true democracy, and where all the people are interested, there education is at its best. By removing responsibility from the rank and file, and placing it in the superintendent and board, we are sapping the strength of democracy, which is based on individual responsibility. This authority says: "In the last three decades notable changes have occurred in many of the states whereby the consolidation of authority has been made and its use conferred upon officials removed from the people. These movements have been so gradual that they are scarcely perceptible from year to year; but a study of a period of years will establish the fact that the people are continually losing and the experts are continually gaining.¹¹² There can be no doubt that looking toward a real democracy, responsibility must be assumed by all the people, and the people must see to it that they delegate powers only to those who are fitted to serve the public. Betrayal of confidence on the part of a public official should be cause for immediate dismissal or recall.

Movements
Toward
Centralization

But growth of towns, increases in number of business centers, more exacting demands upon individuals, improved methods of transportation, advanced standards of ideals—all were constantly and persistently working a marvelous change. Everywhere, in all walks of life, and as shown in all phases of administrative law, power was being centralized, and representative government taking the place of the town meeting. The development and the subsequent disintegration of towns, the combining of districts into townships, the consolidation of schools, the crystallizing of public sentiment and the appreciation of the meaning of education—all led naturally to the greater centralized movement as exemplified in the county and state organization of today.

¹¹² Seerley, *The Province of the Common People in the Administration of Public Education*, N. E. A., 1909, pp. 416-419.

SECTION THREE

THE BEGINNINGS OF EDUCATIONAL ADMINISTRATION:

CENTRALIZING TENDENCIES

UNDER THE

COUNTY AND STATE ORGANIZATIONS

The nineteenth century in the New World ushered in with its opening years a renaissance—an awakening and a renewing of thought and interest. And not merely was this the “spring” of the centuries, but a *new* century. Things took on new birth and old orders were readjusted or swept away. But this was not all. Never in the history of the world had there been such progress, and when the middle of the century was reached, men who had lived to note the development during the fifty years past said the forward movement had spent itself. No more could be added.

The student has but to scan the pages of history and to compare conditions of the earlier day with those of the times in which he lives to recognize this movement. Difficult is the movement, however, of thorough comprehension. A long, narrow strip of country having a sweep of three thousand miles of salt water on its eastern door-step, and flanked on the west by a stern barrier of mountain wall, was our early America. Little by little had been wrenched apart the gates of the Appalachians and settlers were flocking toward the great valleys beyond. The population of the sparsely settled districts, constantly on the alert for the “original American” or savage beast, was growing strong and numerous. And leisure, that most necessary of conditions for a developing people, was assured. For out of necessity upon the one hand and leisure for thought and experiment upon the other, grew up the most marvelous period of achievement, through invention and discovery and device and machinery, that the world had ever known.

Broad Outlook
of the
Nineteenth
Century

The elimination of distance was, perhaps, the most potent factor in remoulding the strong decentralizing sentiment into a movement toward centralization of power.¹¹³ Travel, before tedious and time-consuming, was now becoming simpler. The trail was expanding into the turnpike; the canal-boat was fitted with a boiler and steering gear; the stage coach took on the form of the railway car. The mail pouch, carried by weary rider on faithful horse, was now conveyed by steam. The telegraph had come to tie together the East and the West, the North and the South. The modern printing press had placed the weekly, and later, the daily, paper upon the reading table. The sewing machine; the kerosene lamp, that connected the tallow dip with the arc light; the magazine; the cotton gin; the perfected lathe; the milling machine; the dredge, were the forerunners of the electric car, the telephone, the bicycle, and the gas engine.

The Movement
Cityward

All of this tended to move people to the cities and to build up vast centers of trade. Hand labor, where the work of twenty men was required in a given project, was displaced by the labor-saving machine manipulated by two. Vast manufacturing enterprises sprang into existence; commerce was quickened; trade developed. Large sums of invested capital and the growth of keen competition demanded careful expenditure, constant oversight, and conservative management. Great enterprises called for administration of the highest quality, that friction might be eliminated, that waste should be reduced, and that there should result the maximum of accomplishment for the minimum outlay of time, energy, and money. One thing only could make possible these conditions: wise counsel of a multitude of minds, to be sure, but particularly the placing of responsibility upon the shoulders of competent individuals. For, as Butler says, we must have men and women sharpened to a point to produce the highest grade of efficiency and citizenship. And while we shall show that the evils common to congested centers found their way into the modern city, nevertheless, there were, as well, certain evils prevalent to city life in the Middle Ages that were now done away. Culture and refinement are the camp followers of good

¹¹³ Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, no. 4, pp. 395-402.

transportation and the factory system. Each individual adds his share and in turn shares in the work of all.¹¹⁴

Now this unprecedented material growth carried with it, and found its way side by side with, other movements in allied fields. In the economic, the social, the political realms, expansion was inevitable. Standards of society were materially raised, which implied better laws and more efficient educational facilities. And while the cities were growing and the movement of men was in this direction, the telephone, the trolley, and the bicycle, when they came to be, were an offset in diffusing inhabitants, even though centralizing business.¹¹⁵

The effect of this development has been marked upon the growth of Western towns and the frequent decrease in those of the East; upon the localization of agriculture, which, however, is again being more diffused, owing to the application of scientific principles; upon the rise of the factory system. There is a strong tendency toward specialization in all walks of life.¹¹⁶ The careful observer cannot fail to note the persistent influence that industrial and economic organization has had upon the civil and political life of the nation and of the state. With new conditions, more exacting demands, broader outlook, the more definite placing of power is noted and public administration is centralized; and, as Whitten says, there comes an expanding and extension of the centers of common interest.¹¹⁷ And, moreover, this moving back of the borders of vision, as widen and expand the circles upon the surface of a calm pool when a pebble is dropped into the water, does away with much of narrowness and bigotry and conservatism and provincialism. "A narrow provincialism," says Young, "will merely groove deeper the ideas which once sufficed for a state whose people were laying the foundations for material necessities. Already have those ideas proved themselves unequal to the demands upon them. It is this dominance of provincialism, with its limited ideas, not expanded to a com-

Influences
Resulting in
Individual Re-
sponsibilities

¹¹⁴ *The Growth of Cities*, Comm. of Education, 1893-94, vol. 1, pp. 16-21.

¹¹⁵ Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, no. 4, pp. 395-402.

¹¹⁶ Chamberlain, "The Function and Future of the Technical College," *Science*, May 7, 1909, p. 724.

¹¹⁷ *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 8, no. 4, pp. 395-402.

prehension of what makes a state, which today makes much of the confusion regarding the relation of the state and the school."¹¹⁸

From the beginnings of our national government definite and extended powers have been accorded the chief executive under our constitution. His appointive power as to heads of departments and all the chief officials in the executive branch of the government is unquestioned. He shifts and readjusts and dismisses at will. And it has come to pass that the courts rarely interfere in matters of this character. While not an autocracy, our federal government centers large powers in the president.

Large
Powers of
the President

"What now," says Goodnow, "are the relations existing between the chief executive authority and the heads of departments in the American system of administration which results from this state of facts? In the national administration, the heads of departments are completely subordinate to and dependent upon the chief executive authority as a result of the precariousness of their tenure, and will work in harmony one with the other and with the president on account of the fact that they have been chosen by him to fill their respective positions as a result of his knowledge of their opinions. We find, therefore, in the national administrative complete guaranties for an efficient and harmonious administration under the direction of the president."¹¹⁹

In less degree are extensive powers granted to state governors, although generally throughout the administration of state affairs the centralizing tendency has been growing more and more marked. In all departments of public life we are looking toward centralization. True, conflicting elements have been introduced and have saved limited powers to local boards and given controlling power to newly created boards in the same jurisdiction.¹²⁰ The need for state control is manifest.

In his *Principles of Administrative Law*, Goodnow clearly sets forth the constitutional basis for the centralizing of power in the president, and I cannot do better than to quote him at length.

"While in both the national and the state legislative systems the legislature is, in constitutional theory, the regulator of the administration, still, as a result of historical development, which has brought it

¹¹⁸ *Isolation in the School*, p. 49.

¹¹⁹ *Principles of Administrative Law*, pp. 130, 131.

¹²⁰ Hubbert, *What Kind of Centralization, If Any, Will Strengthen Our Local School System?* N. E. A., 1898, pp. 986-987.

about that the administrative organization in the one is centralized, in the other decentralized, we find the national executive much more powerful, much more important and much more independent of legislative regulations as to details than the state executive. The rule that the legislature is the regulator of the administration does not mean, in the case of the national government, that the executive may act only in the execution of the law, and that he possesses no discretion, as is largely the case with the state executives. On the contrary, it has been held that there is a sphere in which the administration may move without looking to the statute for authorization."¹²¹

National
and State
Administrative
Systems
Compared

A United States citizen is amenable to both federal and state jurisdiction. Our judicial system is the "balance wheel"¹²² in both federal and state governments. It is felt by some that the state is giving up too many powers to the federal government in its centralizing tendencies in insurance, food laws, child-labor, national incorporation acts, and the like.¹²³ "It is to the state legislatures after all, the representatives of the people, that we must look for safety to the republic and not to the courts or to commission governments."¹²⁴

Now while there are seen in the national government the most extreme examples of centralization of powers that there are throughout our administrative system, it is a fact too well known to warrant any extended comment here, that in the sphere of education our national government assumes practically no responsibility. In a democracy and a republic such as ours, this is probably as it should be. But such being the case, much must be left to, and expected and demanded of, the states in fostering education. "The dread of centralization," says Adams, "which prevails through the states has had the effect of checking every movement for enlarging the powers of the national government. The whole tide of public sentiment in America is in favor of a perfectly unfettered working of the state systems."¹²⁵ Mowry insists that any conception of an American system of schools presupposes a state property tax for educational purposes, and hence the right on the part of the state to compel attendance and to supervise not only all state-supported schools but those that are on private

State
Control of
Private
Schools

¹²¹ P. 46.

¹²² Crane and Moses, *Politics*, p. 199.

¹²³ McCarthy, *Remedies for Legislative Conditions*, Am. Pol. Sci. Assn., vol. 4, p. 87.

¹²⁴ *Ibid.*, p. 102.

¹²⁵ *The Free School System of the United States*, p. 20.

The State
as an
Institution
That Educates

foundation as well. While all lawful agencies are permitted to exist, all are answerable to the state, and the latter may undertake whatever it can better accomplish than can any private individual or institution whatever.¹²⁶ Private institutions of learning are related to the general welfare and the state must be considered by them.¹²⁷ The conflicting views of past and present, when settled by the state, influence its own character in the future.¹²⁸ Duty of the individual to the state is only duty of the individual to his fellow, "writ large." "The influence of the constitution of the state and of its transactions with other states in peace and war, weaving the web of world history, is known to be more powerful in educating the individual and forming his character than any of the three phases of education (family, school, business), for it underlies them and makes possible whatever perfection they may have. Without the protection of the state no institution can flourish, nothing above savage or barbarous human life can be realized."¹²⁹ There is a distinction between civil society and the state, for while both are made up of social units, the latter directs the individual and may act for him; by oversight of him, the state saves the individual to the society of which he is a part. "In civil society the whole exists for each; in the state each exists for the whole."¹³⁰ "Thus the state educates the individual citizen into a higher realization of human selfhood or personality than he has learned in the family and civil society."¹³¹ Thus it is that the state is superior to the family. The whole is greater than any of its parts.

The state is supreme and acts through its local representatives. The powers held by school administrators are derived from statute. That the district looks to the county, and that the latter derives its powers from the state, has been shown by numerous court decisions. A case in point is that of an attempt to change the boundary line between two adjoining school districts. There

¹²⁶ *Discussion: Report of Committee on State School Systems*, N. E. A., 1885, p. 443.

¹²⁷ Young, *Isolation in the School*, p. 50.

¹²⁸ *Ibid.*, p. 50.

¹²⁹ Harris, *Psychologic Foundations of Education*, pp. 266-267.

¹³⁰ *Ibid.*, p. 260.

¹³¹ *Ibid.*, p. 268.

being held an election and the freeholders of one district voting for, and those of the other against, such change of boundary, the whole matter was by statute referred to the county superintendent of schools, he being empowered, under the law pertaining to such cases as the consolidation of districts, to appoint a board of four on arbitration. The superintendent, who is a member of this board, may cast the deciding vote in case of a tie. This board of arbitration having found that necessity existed for change of boundary line, the decision was appealed from. The objection is raised that the county superintendent acted beyond his powers, he having no jurisdiction to act or decide in such controversy, and that the legislature has no power to delegate jurisdiction to the county superintendent and any such board of arbitration. The court replied:

Case: County
Superior to
District, and
State Supreme

"It is argued that the school districts concerned are 'bodies corporate,' and as such are parties to a controversy, having their respective rights to be determined by the decision. This is true. But they are bodies corporate, possessing 'the usual powers of a corporation for public purposes.' The constitution requires that 'the general assembly shall establish and maintain free public schools.' And, subject to a few restrictions, this power is left to that branch of the government. A division into districts is necessary, and the constitution expressly recognizes this. How this division shall be made is left to the general assembly. There is no restriction, except the general limitation as to legislative action. That body establishes districts, provides for boards of directors and county and city superintendents, and under general laws, provides for local self-government in school matters. This is not deemed or considered a prohibited delegation of legislative powers.¹³² The district exists for public purposes, under authority of the state."

The court goes on to say that the people being unable to determine the point at issue, the highest school authority in the county is appealed to and declares that this method is appropriate. The court sustains the decision of the superintendent.¹³³

¹³² Note in this connection that Bryce thinks the state legislature interferes but little in local matters, "though often required to deal with the application which Towns make to be divided or have their boundaries altered, and which are frequently resisted by a part of the inhabitants." (*The American Commonwealth*, ed. 3, vol. 1, p. 598.) We must agree with Adams that while we should seek to secure large personal freedom coupled with a recognition of national responsibility, nevertheless efficiency in local self-government depends largely upon community enlightenment. (*The Free School System of the United States*, p. 18.)

¹³³ State Ex. Rel. School District No. 1 v. Andree et al., Missouri Supreme Court Decision, No. 1, Feb. 25, 1909, 116 s.w., 561.

Again: A special school district was created by act of the assembly and the election of a board of education provided for, the same to have power to hold property, levy taxes, and perform such other duties as rightfully pertain to a "village district," such being declared by general law, and to be a corporate body. Said the court:

Case: School
Districts Not
Bodies
Politie and
Corporate

"It is quite obvious to us that county and township organizations, although *quasi* corporations, are not within the meaning of this provision of the constitution; and upon full consideration, we are unanimously in the opinion that school districts as similar organizations, though declared by statute to be bodies politic and corporate, are not within the reason and meaning of this inhibition of the constitution."¹³⁴

Since the state can, in many particulars, do better by the people than can the family, and in consequence provides a system of education, it is morally bound to follow the proceeds of the school tax into the schoolroom, and insist upon results. The responsibility of the state does not cease after legislation. It should furnish the people with adequate school facilities.¹³⁵ "For if anything is proven by English and American administrative history it is that uncontrolled local administration of general matters both leads to great lack of administrative uniformity and harmony, where uniformity of treatment is necessary, and is both slovenly and inefficient."¹³⁶ It is, therefore, quite evident that the last word in federal control v. state rights in centralization v. local self-government; in community organization v. individual initiative, has not yet been said. "The three essential ideas in nineteenth century education," says Sherwood, "are: freedom of thought; state control; and a centralized form of organization."¹³⁷ Perhaps we may say that the three essential ideas in *twentieth century* education are *character, efficiency and service*. Character comes through self-effort and individual initiative, efficiency is developed through the placing of responsibility, and service is rendered through a realization of the duties toward the social group. The first means large individual free-

¹³⁴ State v. Powers, 38 Ohio State, 54. See also State v. Cincinnati, 20 Ohio State, 18. Wilcox, *Municipal Government in Michigan and Ohio*, pp. 403, 404.

¹³⁵ *Report of the Committee on State School Systems*, N. E. A., 1885, p. 439.

¹³⁶ Goodnow, *Municipal Reform*, p. 64.

dom; the second, centralized or organized control; the third, a happy combination of these two elements.

The powers of the state governor, in a political sense, have increased while at the same time his administrative powers have been on the wane.¹³⁸ In the state the heads of departments are not subject to appointment, control, or dismissal by the governor, and as they are separate entities, unanimity of action is less likely to result than in the case of the national administration.¹³⁹ In practically all other countries the chief executive has jurisdiction over department heads, whereas in our state government much looseness is observed.¹⁴⁰

State
Executive
Lacking in
Administrative
Powers

It was seen early in our constitutional history that the national instrument was so drawn as to leave slight need for great changes. Moreover, it was recognized that any change or modification should be made only after the most serious consideration, as the precedent for change might lead to alarming results. Much more easily have the constitutions of states been tampered with. In many instances local conditions, not recognized in the national constitution, have demanded particular treatment. On the other hand, personal gain or selfish interest have frequently prompted change or repeal or new enabling laws. Lincoln upheld the views of many earlier statesmen when he said of the national constitution: "As a general rule I think we would much better let it alone. No slight occasion should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it."¹⁴¹ The constitution of the United States prohibits the election at large or the appointment by the legislature of certain of our public servants.¹⁴² The power of appointment lies with the president alone; with him, acting under senate concurrence; with the courts, or with department heads.¹⁴³ All of this shows clearly the tendency toward placing responsibility in the hands of a central authority. An appeal from the decision of a department head—one who exceeds his authority—

The Strength
of the
National
Constitution

¹³⁷ *The University of the State of New York*, p. 92.

¹³⁸ Goodnow, *Principles of Administrative Law*, p. 98.

¹³⁹ *Ibid.*, p. 132.

¹⁴⁰ *Ibid.*, p. 133.

¹⁴¹ Speech in the House of Representatives, June 20, 1848. Nicolay and Hay, *Lincoln's Complete Works*, vol. 1, p. 129.

¹⁴² Constitution, Article Two.

¹⁴³ Goodnow, *Principles of Administrative Law*, p. 106 and p. 83.

may be taken to the president.¹⁴⁴ The decision of the president is subject to review by the courts only when such decision is deemed in excess of the powers accorded the executive;¹⁴⁵ and it has come about that the courts will review for action only when circumstances are so extreme as to compel them so to do. "In other words, the principle of narrow construction is more commonly adopted with regard to the powers of the governor, than with regard to those of the president."¹⁴⁶

The public schools furnish the example of the most highly developed type of, and earliest successful attempt toward, centralization.¹⁴⁷ This was, to be sure, the logical development, for the significance of education, as soon as public sentiment was generally created in its favor, was sufficient to place it above political intrigue. This statement is, of course, theoretical, but indicates the ideal toward which the prow of the educational craft has for long been steered. Presidents, judges, students of economics, wearers of the cloth, writers, thinkers, statesmen, men of affairs, the politicians themselves, have ever been ready to place education to the fore and to declare for the best interests of the schools. It is only necessary to examine the statutes of the various states and of the body of school law fully to realize the immense amount of legislation that has taken place and is taking place, looking toward a more efficiently conducted and more complete system of common schools.

Referring more particularly to the theory of state control of governmental affairs I shall again quote from Goodnow's *Principles of Administrative Law*: "This theory of local administrative independence in the discharge of functions of government affecting the interests of the state as a whole, lies at the basis of our system of state administration. Nevertheless, there is a tendency in certain branches of administration toward the development, in the hands of the state heads of departments, of powers of supervision, direction and control. This tendency is particularly marked in the domains of education, public charities, and public

General
Recognition
of the
Educational
Idea

Where State
Control is
Marked

¹⁴⁴ *Op. cit.*, p. 91.

¹⁴⁵ *Ibid.*, p. 92.

¹⁴⁶ *Ibid.*, p. 95.

¹⁴⁷ Rawles, *Centralizing Tendencies in the Administration of Indiana*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 24.

health."¹⁴⁸ This same authority, however, shows clearly elsewhere in his admirable treatise, that if the state endeavors to enforce uniform regulations as to moral standards, throughout the length and breadth of a state, regardless of the extreme of centralization that may exist in a particular locality, the task may prove difficult and impossible. This was the general result when the state attempted to enforce in its own cities a liquor law that was almost prohibitive.¹⁴⁹ As portions of a state differ as to extent of centralization, political conceptions and ideals, one section may require treatment dissimilar to that called for elsewhere. It is true that the basis of just government is public sentiment. For the expression and application of this sentiment, states are required, and these are divided for convenience into sub-districts to facilitate voting. Each district is under the control of the central government, but this control does not interfere with the rightful action of the individual group, as these groups are more or less free from external control. They simply act under a leadership which makes for the spiritual and intellectual education of justice.¹⁵⁰ Marburg brings out the idea that there is rapidly passing any opposition to regulation by the state of the working hours of an adult, and compulsory attendance of children upon school. "All social rights," he says, "resolve themselves into social expediency. . . . State interference in the modern sense may raise the ceiling in the poor man's cabin and enable him to stand upright."¹⁵¹

Even the most ardent advocate of local self-government, the man who declares his willingness to abide by the decision of the ballot, and whose slogan is, "Let the people rule," must surely admit that there are certain matters of such vital and far-reaching import to life and liberty, that the whims, jealousies, or vagaries of the local community regarding them may not be taken as final. The waters of a mountain lake or stream, far removed from the eyes of man on the lower levels, are brought a

¹⁴⁸ P. 138.

¹⁴⁹ *Principles of Administrative Law*, p. 57.

¹⁵⁰ Snow, *The Question of Terminology*, Am. Pol. Sci. Assn., vol. 3, pp. 231, 232.

¹⁵¹ *State Interference*, Am. Pol. Sci. Assn., vol. 2, p. 192.

Why Local
Self-Govern-
ment is
Inadequate

distance of many miles to supply the needs of a great city. And if the local community, peaceful and law-abiding, living in the vicinity of the source of the water supply, refuses to enact laws governing the sanitation of the district, is it not the duty of the state to enact such laws? Even though the local community be careless of the health of its members, has it any right so to act as to endanger the lives of others?¹⁵² Moreover, the state must safeguard the lives of the local community members, not only that it may fulfil its duty of protecting and saving them from themselves, if they be ignorant of the laws of sanitation and of health, but that the people at large may not suffer from their ignorance, carelessness, or vice. By protecting the family against disease, impure food or milk, individual freedom is broadened.¹⁵³ "The French republican dreamers constructed systems of centralized education. The nineteenth century thus learns from France a new doctrine in education—an imperial organization, energized by popular freedom; a centralized administration exercised by the people themselves; an imperial democracy. University and state alike are learning this doctrine. An organization truly democratic is anarchy. An imperial organization with the imperium in the hands of the people makes democracy a reality."¹⁵⁴ "I am not a paternalist," says President Taft, "and yet I am not a doctrinaire of the *laissez faire* school. I think a judicious mixture of paternalism, where it trains the children of the government in the way in which they should go, is proper."¹⁵⁵ Professor Plehn points out that local county assessment of taxes for large interests and public service corporations especially, results in many evils. A railroad, telegraph, telephone, or power line, originating in one county, may pass through several. No local assessor can place a proper valuation upon the section of track or line in his jurisdiction. Many states have found that

¹⁵² Since writing the above I note the utterance of Horace Mann as follows: "While a stream is passing through my land, I may not corrupt it, so that it shall be offensive or valueless to the adjacent proprietors below. I may not stop it in its downward course. . . . I may lawfully use it . . . but . . . I must pay regard to the rights of my neighbors lower down." *Life and Works*, vol. 4, "Tenth Annual Report," p. 119.

¹⁵³ Shaw, *Political Problems of American Development*, p. 11.

¹⁵⁴ Sherwood, *The University of the State of New York*, p. 95.

¹⁵⁵ *The Columbian Magazine*, vol. 3, no. 2, p. 211.

the gross earnings of the corporation must be used as a basis for computation,¹⁵⁶ as the local assessor can not see beyond the borders of his own local unit. Then again if a resident assessor is responsible to a particular interest for his election—one that controls an industry dominant in a given locality; the lumber interest, for example—such assessor may succeed in keeping down the valuations on these properties. In consequence of this, the farmers or shop-keepers must be over-assessed, and thus inequalities and injustices prevail. To remedy these evils a separation of state and local taxation is suggested, and wherever the plan is in force, the results justify the change.¹⁵⁷

The Declaration of Independence guarantees equal rights to all, yet when necessity demands, when war, pestilence, or danger from ignorance threaten, the needs of the country are paramount.¹⁵⁸ In many ways it can be shown that the supposed rights of local communities are rights only if, through the exercise of such rights, no violence be done the larger state interests; and more, only if the exercise of such rights tends toward universal improvement. For the state is made up of the people not alone or in conjunction with the domain, but of individuals living in relations to one another.¹⁵⁹ The general interests outrank the local interests in military and financial affairs, and here, as in the matter of education, health, and public charities, the local government may serve as the adjunct of the central government.¹⁶⁰ The so-called state interference is in reality a state aid. When the state demands more stringent regulations of highways of commerce, the state takes less from the freedom of the individual than it adds to individual initiative and freedom in economic life.¹⁶¹

Community v.
State Rights

It is then not taking from, but adding to, the truly democratic American spirit—the equal rights of all—to insist that in affairs educational the local community, while best able to judge as to

¹⁵⁶ Adams, *Tendencies in Railway Taration*, Proceedings of the American Political Science Associations, vol. 1, p. 236.

¹⁵⁷ Address before the Faculty Club, University of California, Nov. 3, 1910.

¹⁵⁸ Crane and Moses, *Politics*, p. 288.

¹⁵⁹ Shaw, *Political Problems of American Development*, p. 16.

¹⁶⁰ Goodnow, *Principles of Administrative Law*, p. 58.

¹⁶¹ Shaw, *loc. cit.*, p. 11.

Lines of
State Control
in Education

its detailed needs, should work in common with all other community centers, under a minimum requirement set forth by the state. Thus the state may determine the compulsory school age of its pupils, and it must enact laws relative to tax-levy for school purposes, place a uniform requirement for teachers, and determine the length of the school year. Without state interference, which in such instances implies state assistance, the poorer localities will suffer by comparison with those districts where the taxable property is far in excess, proportionally, of the number of school census children. Here the state acts as a regulator. And for these and other reasons, the central government has organized certain officers having no connection with the local corporations—a tendency which is becoming more pronounced.¹⁶²

Cooley on
the Meaning
of Freedom

“Since freedom is not a fixed thing that can be grasped and held once for all, but a growth, any particular society such as our own always appears partly free and partly unfree. In so far as it favors, in every child, the development of his possibilities, it is free, but when it falls short of this it is not. So far as children are ill-nurtured or ill-taught, as family training is bad, the school inefficient, the local government ill-administered, public libraries lacking, or private associations of various sorts of culture deficient, in so far the people are unfree. A child born in a slum, brought up in a demoralized family, and put at some confining and mentally deadening work when ten or twelve years old, is no more free to be healthy, wise, and moral than a Chinese child is free to read Shakespeare. Every social ill involves the enslavement of individuals.”¹⁶³

State
Control not
Paternalism:
Illustrations

From small beginnings in some states the idea of centralization has been rapidly spreading. And not alone is the state considered to be responsible for the levying and collecting of taxes for the support of the schools, as here only the middle of the stream is reached. Funds must be properly applied and the state must somehow assure itself that school sites are purchased, buildings properly erected and equipped, and adequate courses of study put in force. This does not smack of paternalism any more than the state's enacting of uniform pharmacy laws, requiring all dentists to meet a stated level of excellence, demanding that barbers shall measure up to a set hygienic standard, compelling insurance companies, dairy keepers, and meat packers to conform to regulations, examining all banking institutions,

¹⁶² Goodnow, *loc. cit.*, p. 62.

¹⁶³ Cooley, *Human Nature and the Social Order*, pp. 400-401.

thus to protect the very people who support the local bank, assisting in great reclamation projects, and preserving a watchful oversight in the matter of forest conservation and the husbanding of all our natural resources. These are primarily body politic, not local concerns.

"If society be an organism wherein the good of each member is the good of the whole, then the importance of local self-government is established. . . . We note the growing tendency to give the general government more constant oversight of vast public interests such as railroads and telegraphs; and with the improvement of the civil services this form of centralization will be rapidly developed. We also note a corresponding increase of local power over matters of purely local interest. Centralization of purely national interests, in so far as we can properly speak of centralization under a Republican government, and decentralization of local interests are principles not contradictory, but harmonious, and they are coming into prominence with every decade of our history."¹⁶⁴

In discussing the matter of state control Snedden says: "Prior to the Reformation the family and philanthropist (largely represented by the church) did good service in this field (liberal education), but after the Reformation it was seen by those who were concerned in producing in society the largest number of able citizens, that the state itself must guarantee the opportunities for liberal education to all. . . . The policy of the state in this field in all civilized countries has been distinctly opposed to the principles of individualism or *laissez faire*."¹⁶⁵ Today special problems are confronting the state. Education has a wide sweep. The care of defectives and abnormals, the treatment of incorrigibles, the organization of special schools, the inauguration of training in the professions and trades—these and many other features are now considered as subject to state jurisdiction. Tenure of office for teachers, and pensioning or retirement salaries are coming to be looked on with favor by the general public. Trades and vocations have for some time been taught at public expense in certain localities¹⁶⁶ and such training is elsewhere under state control.¹⁶⁷ The plan of teaching the so-called learned professions

Special
Problems of
State Interest

¹⁶⁴ Bemis, *Local Government in Michigan and the Northwest*, J. H. U. Studies in Hist. and Pol. Sci., vol. 1, no. 5, p. 25.

¹⁶⁵ *The Problem of Vocational Training*, pp. 18, 19.

¹⁶⁶ Dean, "An Experiment in Teaching Trades at Public Expense," *Manual Training Magazine*, vol. 2, pp. 143-154.

¹⁶⁷ Warner, "Teaching Trades in Connection with Public Schools," *Ibid.*, vol. 2, pp. 46, 47.

Vocational
Training as a
State Concern

at public expense is not new. Not only law, medicine, theology, but military tactics, artisanship, letters—oversight of these by the state runs back to the days of the mediaeval university. Even in our own country, where, more than elsewhere, private benefactions are most readily secured, the federal government has seen fit to lend support to engineering and agricultural education. Before the middle of the last century teachers were trained at public expense in Massachusetts. Wherever the state gave support to a manifest need, it did so in its own interest and not primarily to forward the interest of the individual.¹⁶⁸ All state schools are founded first and foremost for the training of men and citizens.¹⁶⁹ It is undoubtedly of paramount concern to the state that not only its leaders but its every citizen should be properly trained. The choice of a trade or profession by an individual is of great interest to the integrity of the state. Leaders are always necessary and the state must have them even if it has to train them.

Connecticut
Trade
School Law

The recent Connecticut enactment is suggestive of what may be expected in the matter of state initiative in establishing trade schools. Under this act the state board of education is authorized and directed to establish in each of two towns, a trade school. To the discretion of the board is left the selection of the towns, as is also the framing of such rules and regulations as the board may deem necessary in the matter of admission of pupils, qualification of teachers, etc. No student under fourteen years of age is eligible, with the exception that children below this age may be admitted during vacation. Fifty thousand dollars is allowed annually for the maintenance of such schools. The board must report annually to the governor upon the condition of the schools, and must submit semi-annually an expense account to the comptroller. The board is permitted to arrange with manufacturing or shop concerns for part time work for the pupils. Towns may contribute to the support of these schools, should they so desire.¹⁷⁰

Two significant movements recently crystalized in California into proposed bills for legislative enactment, are worthy of con-

¹⁶⁸ Snedden, *The Problem of Vocational Training*, pp. 10, 11.

¹⁶⁹ Brown, *The Training of Teachers for Secondary Schools*, pp. 244-245.

¹⁷⁰ Connecticut School Law, Chap. 85, June 23, 1909.

sideration. They indicate the tendency in the matter of state-directed education of a special sort. The first provides for state-wide training in industrial lines, mechanic arts, trades, agriculture and horticulture, and domestic science, in all elementary and secondary schools. On petition of the legal representatives of ten or more boys or girls in any local community, for a particular department as suggested above, the district shall so establish. Trained teachers shall preside over these schools. The county superintendent is required to report to the superintendent of public instruction annually the number of pupils attending such schools. A special fund to be known as the "State Industrial School Fund" is provided for, and the superintendent of public instruction is empowered to appoint, with the consent of the state board of education, a competent deputy in his office who shall be known as the supervisor of industrial schools. The salary of such deputy is fixed at \$3,600 per annum.¹⁷¹ The second movement looks toward providing for teachers who have reached a stage of inability or have served the state for a given period of years. After thirty years of service, twenty of which must have been in the state, the teacher at the age of sixty may retire on a salary equal to one and one-half per cent of the average salary of the last ten years of service multiplied by the total number of years in service. And any teacher who has served the state twenty years, may, if incapacitated, so retire on a like salary.¹⁷² Thus the state should provide for those who have served it. A suggestion is here offered of whay may be expected in other zones of educational endeavor. Both bills failed to receive the governor's signature on account of uncertainty in the funds available.

The historical development of the assumption of control by the state, of matters which in the earlier periods had been cared for or neglected by the local units, is of deep interest and significance. New York was the first state to appoint a state superintendent of schools. Governor Tompkins in 1810 and 1811 urged upon the legislature the necessity for making more effective the education of the state. A commission was appointed and as a

The Proposed
California
Industrial
Education Bill

The Proposed
California
Retirement
Salary Bill

¹⁷¹ A Tentative Industrial Education Bill by Colonel Harris Weinstock.

¹⁷² Proposed Retirement Salary Bill, Dr. A. F. Lange, Chairman of Committee.

First
Superintendent
in New
York State

result a bill was reported in 1812, and in that year the office of superintendent of common schools was created, the governor and council making the appointment. Gideon Hawley, the first incumbent, received \$300 per year. According to one provision of the enabling bill, the voters at the annual town meeting were to decide whether they should levy a tax equal to the state money and thus secure the latter.¹⁷³ In 1841 deputy superintendents were appointed for each county by the supervisors thereof, and in counties with two school districts or over, two deputies were appointed.¹⁷⁴ By the middle of the century nearly two score states had followed the lead of New York. Massachusetts established her state board of education in 1837, with the governor and lieutenant governor as members, and eight additional members to be appointed by the governor, the council concurring. The board was in no sense a corporation, but Horace Mann, the secretary, elected June 29, 1837, received a small salary as its first executive officer. Harris says: "The establishment of a state board of education and the appointment of Horace Mann as its secretary, mark an area of return from the extreme of individualism to the proper union of local and central authority in the management of schools."¹⁷⁵

Horace Mann
as Secretary
of the
Massachusetts
Board

While Horace Mann was clothed with little authority, his personality and ability triumphed. The man was larger than the office. He made the position, and while progress was rapid, he was not impatient for results. Both Martin¹⁷⁶ and Whitten¹⁷⁷ truly remark upon the soundness of Mann's contention that you can *lead*, not *push* the people. Coupled with powers of an advisory nature, the duties of secretary included the collecting of information throughout the state as to the condition and needs of education, and the lending of assistance wherever necessary. Furthermore, the secretary was to digest the school returns from the various local communities and present to each annual session

¹⁷³ Schepmoes, *Rise and Progress of the New York State School System*, pp. 20, 21.

¹⁷⁴ Draper, *Origin and Development of the New York Common School System*, p. 24.

¹⁷⁵ Martin, *The Evolution of the Massachusetts Public School System*, Intro., p. 11.

¹⁷⁶ *The Evolution of the Massachusetts Public School System*, p. 163.

¹⁷⁷ *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 408.

of the legislature a report of progress.¹⁷⁸ In brief the office was a clearing house for educational affairs. As early as the middle of the last century the Board of Education of Massachusetts provided for agents to assist the secretary in his work. So fully was the ground covered at this time that no school lay more than a day's journey beyond the reach of some authorized agent.¹⁷⁹

An Early
Move for
Supervision in
Massachusetts

It is interesting to contrast this state of affairs with present day conditions, under which, in the Pacific Coast and various Western states, many schools lie from thirty-six to forty hours removed from the county superintendent's office. With no trained assistant and frequently with only a clerk in his office, the county superintendent can not hope to visit such schools more frequently than once or twice yearly. These visits rarely result in perceptible good, as there can be no "follow up" system employed. Undoubtedly here is found a strong argument for the abolition of paid county boards of education, the funds thus saved to be applied on the salaries of one or more field deputies¹⁸⁰ who, with the superintendent, may thus keep more closely in touch with the schools of the out-lying districts. These are, generally speaking, most in need of oversight. The superintendent would be vested with much greater powers than at present and should be held closely for results. Under these conditions it would be an open question as to whether the county should work under a non-professional, non-paid board whose function it should be to appoint a trained educator to the superintendent's office, he to name his associates, or whether this board should be made up of schoolmen of the county with like advisory powers. There would probably be less opportunity for jealousies and exchange of "privileges" under the former than under the latter plan. Cubberley says that, "In two-thirds of the states of the Union no adequate provision is made for the maintenance of the smaller schools of the state and usually these are maintained in a most unsatisfactory manner and at a sacrifice entirely out of proportion to the local benefits received. On the other hand the cities,

Difficulties
in the West

County Boards
and County
School
Supervision

¹⁷⁸ *Ibid.*, p. 407.

¹⁷⁹ Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 410.

¹⁸⁰ Keppel, "A More Efficient State School System." Before Council of Education, Southern Calif. Teachers' Association, 1909.

with the aggregations of people and wealth, are able to maintain excellent school systems on a relatively small expenditure."¹⁸¹ He further maintains that we should have a state system of schools instead of a series of local systems. Sewers and streets are a matter of local interest, while schools, which exist for the common good, should be supported by the state at large.¹⁸²

The experience in Massachusetts has shown that in the matter of schools the legislature has rarely moved unless under suggestion from the state board or secretary.¹⁸³ The same experience has resulted in other states. In New York in 1822 the legislature granted to the state superintendent the right of appellate jurisdiction¹⁸⁴ over the acts of the local school officers. For the past sixty years the power of the superintendent has been constantly increasing.

The office of secretary in Massachusetts, of superintendent in New York, and of superintendent or commissioner in one or another state, had its ups and downs. In 1821 in New York, the secretary of state assumed the duties of school superintendent. Thus the centralization of control was reduced, although the appellate jurisdiction was granted the acting superintendent.¹⁸⁵ In 1841 the legislature provided for the appointment by the secretary of state of a deputy state superintendent of schools. Two years previous, county boards of visitors without salary had been named. In each county the supervisors appointed a superintendent whose salary was paid, one-half by county and one-half by state tax, and who was subject to the jurisdiction of the state superintendent.¹⁸⁶ Through jealousies on the part of local boards of trustees and owing to poor appointments, this system, in four years, came to naught. A separate department of public instruction was ordered in 1854. In Connecticut, the committee appointed by Governor Baldwin in 1844, to propose changes in the school law, strongly recommended a leader for the state

Beginnings
in State
Supervision:
Combining
With Other
State Offices

¹⁸¹ *School Funds and Their Apportionment*, p. 3.

¹⁸² *Ibid.*, p. 4.

¹⁸³ Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 410.

¹⁸⁴ Fairlie, *The Centralization of Administration in New York State*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 422.

¹⁸⁵ *Ibid.*, p. 436.

¹⁸⁶ *Ibid.*, p. 436.

school system. "A head of the school department," says the communication, "can be constituted without the creation of a new office, at a small expense, by appointing one of the existing state officers, say the secretary of state, superintendent of common schools."¹⁸⁷ An act entitled: "An act in addition to and in alternation of an act concerning common schools," 1845, read in section 1 as follows: "That the Commissioner of the School Fund should be *ex officio* superintendent of common schools," etc.¹⁸⁸

In Ohio the office of superintendent of common schools was inaugurated the same year that Horace Mann began his epoch-making work in Massachusetts. But the task of securing an enabling bill was not an easy one. The resolution to appoint a state superintendent was finally adopted by both houses in March, 1837, it having passed the lower house after a close contest, by a majority of one—35 to 34.¹⁸⁹ Samuel Lewis was paid \$500 to occupy a position dignified with meager powers. In one year such attention had been drawn to the good work accomplished that the salary was increased to \$1,200. In 1838 the schools were made free and in the townships the town clerk acted as superintendent. He was empowered to visit each school once annually and vacancies in the local board were filled by him.¹⁹⁰ The secretary of state in Ohio was honored by being made state superintendent of schools in 1840, with \$400 for the expense of office assistance. The legislature authorized the appointment of a state board of instruction in 1850, but the board was never appointed. Three years later the office of state commissioner of common schools was resumed, the appointment being for three years and carrying a salary of \$2,000 per annum.¹⁹¹ In the year 1843 in Indiana the state treasurer became state superintendent of schools. The office of state superintendent of public instruction was created in 1851, and in 1852 began the biennial election to

Developments
in the West
Follow Lead of
New England

¹⁸⁷ See Barnard, "Hist. of Common Schools in Connecticut," *Am. Jour. of Educ.*, vol. 13, p. 729.

¹⁸⁸ Barnard, "History of Common Schools in Connecticut," *Am. Jour. of Educ.*, vol. 13, p. 731.

¹⁸⁹ Coggeshall, "System of Common Schools in Ohio," *ibid.*, vol. 6, p. 86.

¹⁹⁰ Orth, *The Centralizing of Administration in Ohio*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 416.

¹⁹¹ *Ibid.*, p. 418.

that office.¹⁹² In the same year the state board of education was organized; nineteen years earlier such a body had been provided for, but the house had neglected the matter.¹⁹³ In Connecticut, where in 1845 the commissioner of the school fund had been made *ex officio* superintendent of common schools, this officer, before the middle of the century, recommended that "the office of superintendent, whose duties the undersigned had endeavored to discharge as faithfully as the other and primary duties of the school fund will allow, can be transferred to some other officer or person of suitable qualifications who can devote a considerable portion or the whole of his time, to the supervision of the great interest." The legislature acted favorably upon the suggestion and appointed as superintendent, *ex officio*, the principal of the normal school. The act of transference was approved June 22, 1849.¹⁹⁴

Thus are noted some of the vicissitudes and trials incident to placing upon a solid footing the office of state superintendent of schools. Experiences in other states were similar. No sooner would a few clear-headed legislators succeed in having this office established than the incumbent would be deposed and the office merged with that of some state official—secretary of state, auditor, treasurer, or the like. And as no honor or salary attached to the office so merged, it was not sought by these public servants. Indeed as a usual thing, it was largely through their efforts that the normal condition was again reached and the separate office re-created. The period, however, was one of great activity and larger outlook, and Mayo gives what he characterizes as an account "of the organization and reconstruction of the state system of public education that accompanied and followed this remarkable awakening of the public mind."¹⁹⁵ Changes and improvements came, of course, by degrees, in many instances a period of advance being followed by one of seeming retrograde

¹⁹² Rawles, *Centralizing Tendencies in the Administration of Indiana*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 77.

¹⁹³ *Ibid.*, p. 74.

¹⁹⁴ Barnard, "History of Common Schools in Connecticut," *Am. Jour. of Educ.*, vol. 14, pp. 273-275.

¹⁹⁵ *The Origin and Reconstruction of State Systems of Common School Education in the North Atlantic States, from 1830 to 1865*, Comm. of Education, 1897-98, vol. 1, pp. 355-486.

movement. "Modifications have resulted from experience. The original supervision by town authority has given place to county supervision. State supervision has had two or three periods of trial, and has found permanence within the last fifty years."¹⁹⁶

The county, lying as it does in a position midway between the city and the state, is liable both to advantageous and detrimental influences. When, as in an earlier day, neither municipality nor commonwealth was autonomous, in instances where politics dominated the results were bad indeed. The state depended upon petty officers for administration of laws, and cities looked to the state for these laws. Legislation was centralized, administration decentralized.¹⁹⁷ But the county has, in many instances, the advantage of including within its borders a town or city, and the more progressive measures of the municipality are copied or improved upon. "State superintendents have found the county superintendency a most efficient channel in reaching the people of the state—especially in reaching minor officers who are charged with the distinct management of school affairs."¹⁹⁸ Those who regarded with regret the old town and district and township power slipping away, looked with returning hope to the county as preserving to the "common people" their rights and privileges. Here the last stand would be made. Further inroads by the state in its endeavor to secure control would be resisted. These well-meaning people interpreted the phrase, "representative character of institutions," as meaning complete local autonomy and independence of action. Many have been and are now fearful lest the state, by laying its hand upon the county, shall thus sweep away the last vestige of freedom. "The most conspicuous feature of the American school system," says Francis Adams, "is its representative character. The doctrine of the sovereignty of the people, pervading all American social and political organizations, is carried to its furtherest limit in the schools of the country. The principle to which the inhabitants are most attached is thus fitly exhibited in the institution upon

The County
as "Central
Authority"

¹⁹⁶ Pickard, *School Supervision*, p. 8.

¹⁹⁷ Whitten, *Public Administration in Massachusetts*, Col. Univ. Studies in Hist. Econ. and Pub. Law, pp. 395-402.

¹⁹⁸ Pickard, *loc. cit.*, p. 30.

which they set the highest value."¹⁹⁹ Mr. Adams goes on to say that in the proprietary scheme noted in America every citizen has a share, and in their control over the schools the people recognize their one great hold on local government. The trust of the people by the people—the development of responsibility, is the *ne plus ultra*.

In Indiana the development of the county superintendency was typical. Created in 1843, the office was merged with that of county auditor six years later. Hence the history of the growth of the office of superintendent of county schools followed the same trend as that taken by the state superintendency. During the interim from 1843 to 1849 it was brought to the attention of the people that proceeds from the sale of school lands had been tampered with. Where all other arguments had failed that of the safeguarding of funds prevailed and pointed the necessity for the placing of responsibility. A school tax was ordered and the various school funds were consolidated in one "common school fund," the principal on which should never diminish, the income to be available for purposes of education.²⁰⁰ In the counties the need for secondary education was met by the public seminary funds. The governor, in 1818, appointed trustees in each county, these trustees to report to the legislature. The fund was increased by exemption fees and penal code fines,²⁰¹ much as the town and district moneys were replenished in New York and New England by excises. In 1852 the common school fund was increased by the proceeds from the sale of the county seminaries. It was not until 1873 that boards of education were granted the Indiana counties. From 1834 to 1852 there had existed simply a county examiner of teachers. During the year 1853 the state superintendent examined all applicants, and until 1873 there was a joint agreement between the state and county authorities. For ten years preceding 1834 the licensing power was vested in district and town trustees.²⁰² The power now rests with the state superintendent and state board.

Vicissitudes
in Office
of County
Superintendent

¹⁹⁹ *The Free School System of the United States*, p. 17.

²⁰⁰ Rawles, *Centralizing Tendencies in the Administration of Indiana*, Col. Univ. Studies in Hist. Econ. and Pub. Law, p. 47.

²⁰¹ *Ibid.*, p. 50.

²⁰² *Ibid.*, p. 92.

The county usually has no jurisdiction over the town administration.²⁰³ In the realm of education, particularly, the county officers have come to exercise control over the county, and in certain other cases power is centralized in county officers.²⁰⁴ Local authority has been granted in considerable measure to certain states through constitutional provision, and where most progress has been made the local officers of such states are under considerable central control.²⁰⁵ It has been held that the county is a division of the state simply for the purpose of general state administration. The following is a case in point. The plaintiff sustained injuries by falling into a cellar in the Cincinnati, Ohio, court-house; he had been detained until after dark as a witness in a criminal case, and there was no light or protection provided to guard against mishap. On this account, and because of alleged neglect of duty on the part of the commissioners of the county, under whose direction the court-house was built and equipped, plaintiff sought to recover damages to the extent of \$10,000. The lower court awarded \$7,500 damages, and plaintiff took the case on appeal to a higher court. Here the decision was reversed, as it was held that no such damage could be recovered out of public moneys, the commissioners alone being individually responsible. It was further held that a "municipal corporation is called into existence, either at the direct solicitation, or by the free consent of the people who compose it." The state, on the other hand, creates at will sub-divisions of the state or counties, without regard to the desires of the people of such districts. The former organization is asked for, the latter is superimposed by a sovereign authority. "A municipal corporation proper is created mainly for the interest, advantage, and commerce, of the locality and its people; a county organization is created almost exclusively with a view to the policy of the state at large, for purposes of political organization and civil administration, in matters of finance, of education," etc. The decision of the lower court is reversed;²⁰⁶ it is further held that the officers of the town are in fact state officials salaried by town-raised taxes.

The County a
State Charge

Case: County
a Separate
Entity for
Convenience
Merely

²⁰³ Goodnow, *Principles of Administrative Law*, p. 194.

²⁰⁴ *Ibid.*, p. 195.

²⁰⁵ *Ibid.*, pp. 61, 62.

²⁰⁶ *Commissioners of Hamilton County v. Mighels*, 7 Ohio State, 109.

Case: Town
Officers are
State Officials

A typical case is that in which action was brought by plaintiff to recover the amount of taxes alleged to have been wrongfully assessed and collected on lands belonging to him and situated in the town of Monroe. Plaintiff owned 10,000 acres, of which 7,000 were situated in said town, the remainder in an adjoining county; taxes were assessed and collected on the entire tract by the Monroe County tax collector. Verdict was directed for the plaintiff, but the judgment was reversed by the general term, the plaintiff appealing. He held that "The assessors and collectors are not in any legal sense the agents of a town and the town is not liable for any mistake or misfeasance by them in the performance of their duties."²⁰⁷ Goodnow says in this connection:

"But while the result of American development has been the recognition of the rural local areas as public corporations, the further step has not been taken of recognizing that such corporations possess any sphere of action of their own. The duties attended to by them or by the officers acting through them are regarded generally as almost exclusively of central concern, and their officers, though elected by the locality, are not regarded as local officers in the sense that they are agents of the local corporation. They are simply state officers who are, in accordance with the method adopted in the United States of filling these positions, elected by the people resident in the local areas."²⁰⁸

Case: County
Authority
Derived from
Legislature;
City is
Governed
by Charter

The county is thus clearly a state charge, and properly so. For if it were left to each locality to exercise perfect freedom there would be no general system of education, and a permissive system is no system at all. It has been well shown that the board of education of San Francisco city and county does not represent the city and county, the court in a certain case holding that the school district whose territorial limits are coterminous with those of the city and county cannot be considered as but a part of the municipal corporation.²⁰⁹

County
Advantages
Over Township
System

Undoubtedly the county form of organization, when compared with the township or district systems, is a long step toward centralization. Where there are prosperous cities in the county, they lend to the support of rural schools. In many instances a city has a larger proportion of taxable property than it has of

²⁰⁷ *Lorrillard v. The Town of Monroe*, 11 N. Y. 392. (See also Am. Dec. 120).

²⁰⁸ *Principles of Administrative Law*, p. 165.

²⁰⁹ *Mitchell v. Board of Education*, 1902, 137 Cal. 372.

school population, and it is just and proper that from wealthy urban communities the poorer country localities should receive aid.²¹⁰ The perplexing problem is how to give proper school facilities to poor localities without unduly taxing them.²¹¹ Educational advantages must be equalized. People must recognize the responsibility of the state, its obligation toward matters of general uplift, its duty in helping new and desirable forms of education to gain a foothold, and in securing special grants for special communities.²¹² The state must determine the work to be done and the local community must be left to do it.²¹³

The same arguments to be made in favor of appointment over election of state superintendent apply equally to the superintendent of county schools. It is also true that whatever may be said as to the value of the long term of the former, may be said of the latter.

“The state superintendent should not be subject to periodic election or appointment. It is believed that the best results will be secured if the selection of a superintendent of public instruction is left to a properly constituted state board of education. From the duties required of the state board of education it will be seen that its members should be selected from among the professions chiefly, and the various school interests of the state should be represented upon the board.”²¹⁴

Appointment
Preferable to
Election

While the effect of a constant increase in authority is being felt throughout the various states, New York is still far in the lead in granting the state commissioner of common schools large powers and far-reaching jurisdiction. Says Sherwood: “This extreme centralization in the system of primary instruction has worked undeniably well. However democratic in her political affiliations New York may be, the history of her common schools as well as of her university shows that she has imperialistic instincts.”²¹⁵ The state superintendent considers on appeal any matter involving a teacher or district in the most remote rural

²¹⁰ Evans, *The County as the Unit of School Organization*, N. E. A., 1897, p. 508. See also *Educational Review*, April, 1896.

²¹¹ Cubberley, *School Funds and their Apportionment*, p. 27.

²¹² *Ibid.*, pp. 84, 85.

²¹³ *Report of Comm. on State School Systems*, N. E. A., 1885, pp. 339, 340.

²¹⁴ *Ibid.*, p. 441.

²¹⁵ *The University of the State of New York*, U. S. Bureau of Education, Circular of Information, no. 3, 1900, p. 39.

section, or a tax-payer or superintendent or school officer in the populous center, and sitting as a court of appeal, the superintendent issues decisions which are final.

"Thus, the very sanctum of local self-government in the district meeting is invaded by the central authority of the state. The superintendent in this capacity establishes rules of practice, issues injunctions, and makes all necessary orders. Councils are heard before him. The questions involved in their appeals touch all branches of the civil law, of the state constitutional law, the law of contracts, the law of wills, and the like. Hence there is conferred upon the superintendent an appellate judicial authority co-ordinate with that of the court of appeals in some respects.²¹⁶ . . . The minutest local self-government in the school district is counterbalanced by the centralization of power in the state superintendent of public instruction."²¹⁷

Pickard thinks too much is expected of the state superintendent. There is no competent counsel for this office from above. While the state should largely dominate in educational matters, a moral influence should be shed upon the state office by some central authority, presumably the United States Bureau of Education.²¹⁸

The supreme jurisdiction of the commissioner of education for the state of New York is to be found in a review of the following case. The superintendent of city schools of Troy, together with the local board of education, preferred charges against the principal of the Troy high school, and dismissed said principal from the service.²¹⁹ Feeling himself aggrieved, the principal took the case on appeal to the commissioner of education for review, since

"Any person conceiving himself aggrieved in consequence of any . . . official act or decision concerning any other matter under this act or any other act pertaining to common schools may appeal to the superintendent of public instruction, who is hereby authorized and required to examine and decide the same; and his decision shall be final and conclusive and not subject to question or review in any place or court whatever."

²¹⁶ *Op. cit.*, p. 38.

²¹⁷ *Ibid.*, p. 35.

²¹⁸ *School Supervision*, p. 23.

²¹⁹ *People ex rel Walrath v. O'Brien*, Supreme Court, N. Y. Appellate Division, March, 1906, 97 N. Y. Sup. 1115.

Sherwood on
Powers of New
York State
Commissioner

Case: State
Superintendent's
Decision
Reverses that
of City
Superintendent

(Title 14, Consolidated School Law, Ch. 556, Laws of 1894.) Reviewing the evidence, the commissioner of education sustained the appeal taken by the high school principal, and ordered that the board of education reinstate said principal to former station and rank.²²⁰ At a later date, the city superintendent of schools of Troy applied for a writ of prohibition against the state commissioner. This writ was quashed, the court declaring that jurisdiction by the commissioner extends to cities of the second class (Troy).²²¹ Sherwood advances the idea that the imperialism of New York is of a type half-feudal; that is, the paternal supremacy of the state is balanced by voluntary service by the people. By virtue of the extreme judicial power of final decision vested in the state superintendent, the centralized authority becomes supreme, even in the most detailed affairs and where local self-government has the strongest hold.²²² Draper is of the opinion that New York has kept the lead largely on account of her early centralizing tendencies. Disputes were quelled, policies were shaped, energy was directed and applied, support was procured and efforts were concentrated. And in the same way she has been fully as ready to aid the cause of local supervision.²²³

Questions must, many times, be decided quickly and always without unnecessary expense, and this implies the centering of responsibility. Greater deliberation would undoubtedly be preferable, but the demand of the people is for quick action.²²⁴ The election of a superintendent by popular vote should not be continued, because, under our political system, by the time the superintendent is reached in the discussion of party candidates for nomination,²²⁵ either by the direct or other plan, the offensive "trading" has begun and political "plums" are being distributed to appease those who have made concessions. Moreover it is usually impossible for all the voters of a state or county to be

²²⁰ N. Y. State Education Dept. Appeal of Walruth v. Board of Education, City of Troy.

²²¹ Harris v. Draper, Supreme Court, N. Y., special term, Rensselaer Co., February, 1908, 109 N. Y. Sup. 983.

²²² *The University of the State of New York*, p. 44.

²²³ *New York Common School System*, p. 27.

²²⁴ Young, *The Relation of the Executive to the Legislative Powers*, Am. Pol. Sci. Assn., vol. 1, p. 49.

²²⁵ Pickard, *School Supervision*, p. 21.

State
Superintendent:
Election,
Qualification,
Powers

personally acquainted with the candidates for office as was the case under the old town-meeting régime. In this connection Pickard contends that the political character of the office is the greatest bar to successful state supervision. "Availability as a candidate is considered as more important than ability as an officer."²²⁶ The superintendent should be appointed by the governor with the advice and consent of the senate, as in Pennsylvania, is Schaeffer's belief;²²⁷ or better still, the appointment should be vested in a board removed from political influence, the supreme bench, for example. "The decisions of the State Superintendent should not be subject to reversal by a fallible Supreme Court."²²⁸ Says a recent authority,

"The Superintendent of Public Instruction should be appointed, preferably by a State Board of Education, which is itself, as nearly as possible, a permanent body. The Superintendent should be an executive officer with large powers of initiative. He should be clothed with ample authority to carry out and enforce. He should have time and means at his disposal to make an extensive investigation of all educational problems and conditions within the field under his control. He should have authority over upper as well as lower schools; should come into touch with the teaching force; should be on best relations with the Board and should have freedom of action in relation to law; by sharing responsibility with others his needed extensive powers may be more vital. He should unify all educational forces."²²⁹

Let us note further the relation of the state to the federal government on the one hand and to the lesser local units upon the other. The people are represented in the federal government, not through town or county or district organization directly, but through the medium of the state. Our senators and assemblymen at the state capitol are elected, to be sure, each from a certain district and by the qualified voters of such district. It is expected, however, that they will serve the people at large and give their influence only for measures that will advance the common weal. So with our senators and representatives in Congress. They feel a peculiar responsibility toward that particular

State
Paramount
to Local
Issues in
Assembly and
Congress

²²⁶ *Op. cit.*, p. 21.

²²⁷ *Powers and Duties of State Superintendents*, N. E. A., 1895, pp. 355, 356.

²²⁸ *Ibid.*, p. 359.

²²⁹ Fairchild, *The Province of State Boards and State Superintendents in the Administration of Public Education*, N. E. A., 1909, p. 424.

portion of the state in which they have their residence, but duty calls them to be single minded, thus to maintain the integrity of the state and the nation. The sovereign right of the individual community must not be ignored, but the individual community must look beyond the confines of its own geographical boundaries. "Where there is no vision the people perish." Says one: "Every great commonwealth is made up of an aggregation of what at some stage were smaller sovereignties, and that in the authority, course of normal development, time itself, and the operation of universal laws, will bring about the merging of one into the other, or a fusion of all into one."²³⁰ It is the function of organized government to do for all what individuals can not do for themselves.²³¹ The state sanctions and regulates the most important forms of private relationship, namely, those of the family. It defends and protects personal liberty in its various aspects.²³² It follows, therefore, that the state should not only provide ample school facilities for the children of the people; it should as well take occasion to know that there are not wanting that character of instruction and that particular class of school needed to meet the demands of a given locality. As well must the state see to it that children are allowed the privileges of the schools and parents and employees required to give children the opportunity to acquire this state-provided education.²³³ How far the local community should be a law unto itself is an open question, and, no doubt, local civic conditions and educational standards would largely determine this in any given community. It is the opinion of some that the teacher, curriculum, school plant, and finances, these four items, must be in charge of local boards and superintendents. The idea is further held that with the needed town and district supervision which is to come, the administration of rural schools will stand in the same relation to state supervision as does the city to town supervision.²³⁴ Boards may perhaps be organized to select the super-

Rural Plan of
Administration
to Follow
City Plan

²³⁰ Crane and Moses, *Politics*, p. 239.

²³¹ Jones, *State Aid to Secondary Schools*, p. 148.

²³² Shaw, *Political Problems of American Development*, p. 13.

²³³ *Ibid.*, pp. 75, 76.

²³⁴ Keyes, *The Function of County and City Boards and Superintendents in School Administration*, N. E. A., 1909, pp. 426-429.

intendent, following the city plan.²³⁵ But "no matter how centralized the administrative system may be, it is absolutely necessary in a state of any size that there should exist departments or officers among which the detailed work of administration shall be distributed."²³⁶

That local boards of education in cities of the first class have jurisdiction in the matter of establishing separate schools for children of the white and the colored is not disputed. The supreme court, however, has overruled the action of the local city board, when the latter compelled colored children to attend a special school under conditions dangerous to life and limb. The ground taken in this case is that the children so compelled were denied equal educational facilities. The court holds that it is the prerogative of the board to locate schools; that in the carrying out of the school policy the court must not interfere: but where attendance at a given school set aside for a particular class or race is beset with dangers, such as are caused by railroads, and where the school building could readily have been located elsewhere, that children assigned to such a school may attend a school where equal educational facilities may be secured. If the circumstances be such that the privileges of equal educational facilities are unavoidably absent, the court would not interfere. But where it can be shown that the board, under conditions of its own making acts to the detriment of a given class, relief may be had by appeal to the courts.²³⁷

Many state departments do not render the service to local units that they should. The state should provide one half the money necessary to conduct the schools and prescribe, through the state superintendent, the minimum course of study, the qualifications of teachers, salaries, length of term, character of buildings and grounds, etc. The local unit should be required to provide additional funds and to enforce the maximum of the foregoing. National and state aid should be given only to the

Case: Court
Interferes to
Secure Equal
Educational
Facilities
to All

²³⁵ Olsen, *Rural School Supervision*, N. E. A., 1907, p. 268.

²³⁶ Goodnow, *Principles of Administrative Law*, p. 119.

²³⁷ *Williams v. Board of Education, Parsons, Kansas*. Kansas Supreme Court, Dec. 12, 1908, p. 216.

local units thus qualifying.²³⁸ The state must require a minimum length of term and qualification of teachers, the local community being privileged to set a greater maximum.²³⁹ Cubberley declares that all must not be reduced to the minimum of instruction, that the state is in duty bound to guarantee all. Advantages must be equalized, and communities must be inspired to lift themselves above the level of general requirements and to branch out into new and desirable educational fields.²⁴⁰ Reliance upon state aid and control in local school matters has had a tremendous effect in uplifting and developing education and in bringing to all the people what would otherwise be shared only by the favored few. While jealous of their "rights" in the management of local affairs as in their judgment they saw fit, the members of the local units in the more centralized states were not long in appreciating the advantages to come from a central authority.²⁴¹ In the matter of taxation, the state was supreme, and to succeed, the school must be financed. Little by little the state authority has become unified and improved. Courses of study are perfected. School houses and equipments are bettered. Teachers are vastly superior, and cheap, ward politics, let us hope, create less havoc than heretofore. The more enlightened communities are fast finding out that while the individual may feel free to act in certain capacities, "he cannot escape from his subjugation to the authority and power of the state;"²⁴² and the more enlightened communities are those where state control has had sway. "Human history, like all other phenomena of life and motion, is the unconscious product of an infinity of small and unconscious efforts. Its work is done spasmodically and in disorder, by single individuals or groups of individuals, acting generally from immediate motives with results which always transcend the knowledge and intentions of contemporaries and

Growth of
Sentiment
Toward State
Oversight

²³⁸ Stetson, *The Relation of the County Superintendent to the State Superintendent*, N. E. A., 1908, p. 268.

²³⁹ Cubberley, *School Funds and Their Apportionment*, p. 16.

²⁴⁰ *Ibid.*, p. 17.

²⁴¹ Draper, *American Education*, p. 28.

²⁴² Shaw, *Political Problems of American Development*, p. 13.

are but seldom revealed, darkly for a moment to succeeding generations."²⁴³

The People
are Supreme

All this in no wise detracts from the responsibility of the individual or lessens by ever so little his freedom of action. Nor must the administrative or executive power delegated the state separate the official from the private citizen. Young says that if our individual development is to bring extension of government regulation, an immense field of supervision, inspection, regulation and control is opened up and public officials must be in close contact with the citizen.²⁴⁴ It is equally true that if economic and social development demands a more far-reaching and intensive state control of education than formerly there must be no chasm between the delegated authority and the people in whom this authority originates. For after all any council or board or legislature, or any other body of persons, or any individual clothed with authority, and without regard to the office occupied or the title under which the body or individual is serving, must find the justification for any act "in some delegation of powers from the people."²⁴⁵ There is a desirable course between the two extreme views—the necessity for complete government control upon the one hand, and upon the other absolute freedom of every individual to do as he will within the bounds of law. And this middle course would allow individual freedom, but at the same time would dictate a control of liberty and action wherever the public good so demanded.²⁴⁶ The needs and welfare of the people of a state give rise to municipal laws. Consent to be governed comes directly from the people or indirectly through representation, as is necessary in widely scattered communities or in densely populated centers.²⁴⁷ Local self-government is an underlying principle of democracy, but it may be over-emphasized, and thus destroy the protecting influence of the larger unit. National progress presupposes unity

²⁴³ Ferrero, *The Greatness and Decline of Rome*, Preface to First Edition, P. V.

²⁴⁴ *The Relation of the Executive to the Legislative Powers*, Am. Pol. Sci. Assn., vol. 1, p. 53.

²⁴⁵ Crane and Moses, *Politics*, p. 243.

²⁴⁶ *Ibid.*, p. 4.

²⁴⁷ Smith, *Elements of the Laws*, p. 12.

of action through proper co-operation of state and state institutions.²⁴⁸

In a masterful character study of President Taft and Colonel Roosevelt, Francis E. Lenpp says that Mr. Taft's conception of the government is that of a gigantic machine with all parts so nicely articulated that the entire control is had from a central office. Mr. Roosevelt, on the other hand, manages through many agents and keeps his eyes upon the people, as he conceives the government to be an organization of live men. In other words, Mr. Taft comes down to the people only through those in high office, while Mr. Roosevelt frequently pushes his agent aside and passes in and out amongst the rank and file, the better to remedy conditions, by knowing the situations. In doing this he may sometimes cause friction by rushing over the heads of those in power.²⁴⁹ A ground midway between the two described would perhaps bring best returns. The application to our present problem is easily made, even though its practical working out would be more difficult. A strong, firm, impartial, central authority is needed, rising superior to any individual or local desire or prejudice that may prove of doubtful value to the community at large. But this authority must keep in close touch with the actual life interests of the people. And while doing for the people that which they can not do for themselves, must never weaken them by relieving them of responsibilities, or curb enthusiasm or initiative by circumscribing their freedom of action, so long as such action results in the common good.

But why prolong this discussion of an apparently indeterminate problem? Many will not be convinced that the best interests of the people are conserved through state control. Nevertheless, in dealing with the question of educational administration and control, we are dealing with one of the most far-reaching problems with which we as a growing democracy are confronted. Schools no longer exist to instruct in the three R's simply, but that the legacy of culture and idealism may be transmitted,²⁵⁰

A Middle
Course
Desirable;
Taft and
Roosevelt
Compared

An Important
Issue to be
Met and
Solved

²⁴⁸ Sutton, *Discussion: The Province of the Common People in the Administration of Public Education*, N. E. A., 1909, p. 422.

²⁴⁹ "Taft and Roosevelt: A Composite Study," *Atlantic Monthly*, Nov., 1910, p. 649.

²⁵⁰ Shaw, *Political Problems of American Development*, p. 75.

and that each succeeding generation may pay in part the debt to the past by handing on to those who follow the most essential elements in the present life and civilization, and thus make possible new growth and broader outlook tomorrow. So must the state be responsible for the fulfillment of this mission. So must the state work toward the real democracy. Professor Lange speaks of this democracy as "finding itself." "Consider the beginnings," says he.

"The elementary school for the masses, the college with its 'fitting school,' for the classes, so far as these were male; both only partly public and free, and neither anywhere within reach—this was the legacy with which the young republic started and which it has had to remake into flesh of its flesh and bone of its bone. A full account of the process forms a three-volume story in the book of our national life, the story of the rise and progress of the common school system, of the American college, particularly of the state university, and of the public school, and its predecessor, the academy."²⁵¹

During the half dozen years just past the school laws of various states have been overhauled, simplified, and codified, and in like manner many city boards of education have passed new rulings and expunged obsolete ones. In practically every instance the new rulings have looked toward strengthening the power of state or city superintendent and through codification have aimed to give definition to existing laws. Perhaps no one thing has done more to bring about these desirable changes than has the work of the various educational commissions appointed by both state and municipal authorities. The Chicago educational commission of 1898 blazed the way. Brief mention will be made of the more important state commissions authorized during the past three or four years.

On May 24, 1905, the industrial commission of Massachusetts was authorized by legislative action. It provided for nine members to be appointed by the governor. The commission was empowered to investigate existing conditions in the various fields of industry, to ascertain how far the present educational institutions met existing needs, and to make recommendations to the general court. The act of authorization was approved June 21,

The
Massachusetts
Industrial
Commission
The
Commissioner
of Education

²⁵¹ "Self Directed High School Development," *University of California Chronicle*, vol. 12, no. 4, p. 5.

1906.²⁵² Several reports were made by this commission. Its work was finally merged with that of the secretary of the State Board of Education, and the office of commissioner of education created. This commissioner is vested with extensive powers. The present incumbent has appointed two assistants, one to be directly responsible for the field of industrial education, the other to give particular attention to the traditional lines of school work. Judicial and appellate jurisdiction are conferred upon the commissioner and he is accorded much latitude in dealing with problems of an administrative nature.

In Connecticut the special educational commission was continued by an act of 1907. Among the recommendations made by the commission in 1909 the following are significant for our purposes:

The
Connecticut
Commission

“That after a certain date the present ‘district system’ be abolished; that town school committees be elected, that the towns be grouped so as to constitute territories for convenient supervision. That territorial supervisors be elected or appointed, substantially in accordance with the provisions of Chapter X of the Common School Laws, their duties to be prescribed by the state board. That the attention of the state board of education be called to the fact that children between fourteen and sixteen years of age are not exempt from school attendance under the law unless actually employed at labor. That the school committee of any city or town may retire from active service and place upon the pension roll any teacher of such city or town who is sixty years old or over, or is, in the judgment of the committee, incapacitated for useful service, and who has faithfully served in the state for twenty-five years: *Provided*, that the expense so incurred by the town shall not be computed as part of the school expense in determining eligibility to benefits of the average-attendance grants.”²⁵³

On March 12, 1907, a law was enacted in North Dakota providing for an educational commission. This, however, “was an absolute dead letter and nothing ever came of that enactment.”²⁵⁴ The report of the commission made in 1909 is illuminating.²⁵⁵ The law provides²⁵⁶ for

“A committee of five persons of whom the attorney-general and the deputy state superintendent of public instruction shall be members, and

The North
Dakota
Commission

²⁵² Comm. of Education, 1908, vol. 1, pp. 44, 45, 46.

²⁵³ Comm. of Education, 1909, vol. 1, pp. 45, 46.

²⁵⁴ Letter of State Superintendent Taylor, date of Feb. 20, 1911.

²⁵⁵ Senate Bill no. 60, 12th session Legislative Assembly of North Dakota.

²⁵⁶ Session Laws of 1909, chap. 105, sec. 1.

the other three members shall be appointed by the governor from among the best-known and best-posted school men of this state, The said committee shall report to the next session of the legislature any contradictions, inconsistencies and omissions found in the existing laws, and shall draft and report to that session of the legislature (1910) such school laws as in its judgment would be of use and benefit to the state," etc.

This proposed new code provides for a two-year term for the state superintendent.²⁵⁷ gives him general supervision of the schools of the state, and makes him *ex officio* a member of the board of university and school lands and of the normal school board.²⁵⁸ He is to prepare and prescribe a course of study for all schools of the state, is to counsel with and advise county superintendents,²⁵⁹ "shall decide all appeals from the decision of the county superintendents . . . and shall prescribe and cause to be enforced, rules of practice and regulations pertaining to the hearing and determination of appeals," etc.²⁶⁰ The county superintendent is empowered to render decisions involving the school law, whenever appeal is taken to him from school officers or boards. Appeal taken from the county to the state superintendent shall rest in final decision with the latter.²⁶¹ In all school districts or cities governed by a board of education, each board member shall receive a compensation of one dollar and fifty cents for each meeting attended, compensation being allowed for one meeting only per month.²⁶² The superintendent shall be appointed for a period not to exceed three years.²⁶³

The Washington State Commission was authorized on March 12, 1907. Its duties as outlined were much the same as those given for the North Dakota commission. They were to "recodify, re-arrange and bring into harmony all laws and parts of laws," etc.²⁶⁴ "The Superintendent of Public Instruction shall be *ex officio* chairman of said commission."²⁶⁵ His associates include the attorney general, a county superintendent, a member of a

The
Washington
State
Commission

²⁵⁷ Senate Bill no. 60, art. 1, sec. 1, p. 2.

²⁵⁸ *Ibid.*, art. 1, sec. 3, p. 3.

²⁵⁹ *Ibid.*, secs. 5 and 6, p. 3.

²⁶⁰ *Ibid.*, sec. 6, p. 4.

²⁶¹ *Ibid.*, art. 2, sec. 29, pp. 12, 13.

²⁶² *Ibid.*, art. 9, sec. 141, p. 70.

²⁶³ *Ibid.*, sec. 146, p. 74.

city board of education, a principal of a state normal school, the president of the state university or the president of the state college, together with the deputy superintendent of public instruction, as secretary.²⁶⁶ The new code provides for the consolidation of the state board of education and the board of higher education, the state superintendent to act as *ex officio* president of both bodies.²⁶⁷ He is to decide on appeal from the decision of county superintendents, all points of law, and unless set aside by a competent court, such rulings shall be final.²⁶⁸ The state board of education shall consist of the state superintendent, the presidents of the state university and state college, the principal of one of the state normal schools, elected by the principals of the state normal schools, "and four fit persons holding life diplomas issued under the authority of the state and actively engaged in educational work, appointed by the governor, one of whom shall be a superintendent or principal of a school of a district of the first class, one a county superintendent of schools, one a principal of a fully accredited high school, and one a representative of an endowed or private institution of higher learning, and one other person."²⁶⁹ This board shall have power to approve the preparatory entrance requirements for the university, college, and normal schools.²⁷⁰ The superintendent of a city of the first class shall be appointed for a term not to exceed three years. The city board shall prescribe a course of study not inconsistent with the course prescribed for the common schools by the state board.²⁷¹ In all cities where there are four hundred or more teachers, a board of examination is provided for, the city superintendent and two associates having practical experience as teachers and elected by the board of education, to serve as the examining board. This examining board shall act in harmony with the state board of education, fix standards and ex-

²⁶⁴ School Laws, 1907, sec. 1, chap. 141.

²⁶⁵ *Ibid.*, sec. 2.

²⁶⁶ *Ibid.*, sec. 2.

²⁶⁷ Nineteenth biennial report, Supt. of Public Instruction, 1908, Appendix, p. 5.

²⁶⁸ *Ibid.*, p. 6; also pp. 129, 130.

²⁶⁹ *Ibid.*, p. 7.

²⁷⁰ *Ibid.*, p. 8.

²⁷¹ *Ibid.*, p. 62.

amine for certificates of high, grammar, and primary grades. They shall report to the board of education, who shall issue such certificates through the superintendent and submit a list of successful candidates to the state superintendent, and the local county superintendent.²⁷²

Commission
of Iowa

On April 13, 1907, the educational commission of Iowa was authorized. The revisions of the school law as set forth²⁷³ show many important changes. Among other duties the state superintendent "shall render opinions in writing upon request of any school officer regarding the school law, its administration, and upon the duties of such officer, and shall determine all cases brought before him on appeal."²⁷⁴ Cases taken on appeal from the county superintendent to the state superintendent rest for final decision with the latter.²⁷⁵

Pennsylvania's
Educational
Commission

A commission of seven appointed by the governor of Pennsylvania, the state superintendent being a member thereof, was provided for in a measure approved May 8, 1907. The proposed code provides that the state superintendent shall appoint two deputies, one expert assistant in agricultural education, one expert in industrial education and inspectors of high and other secondary schools.²⁷⁶ All commissions to superintendents and assistants are to be issued by the state superintendent.²⁷⁷ When requested he may render decisions of the school law "which shall be valid and binding in like effect as law until reversed by proper judicial authority."²⁷⁸ He has power to condemn as unfit, if unsanitary, any school building, site or outbuilding, and to withhold appropriations, in case of failure on the part of school authorities to remedy the conditions.²⁷⁹

The Illinois commission of seven members, authorization of May 25, 1907, was appointed by the governor, the senate concurring. The superintendent of public instruction was ex officio

²⁷² *Op. cit.*, pp. 109, 110.

²⁷³ Report of the Educational Commission of Iowa, State Printer, Des Moines, 1908.

²⁷⁴ *Ibid.*, sec. 20, p. 9.

²⁷⁵ *Ibid.*, sec. 140, p. 45.

²⁷⁶ Legislature of Pennsylvania, File of the Senate, no. 4, 1911, article 10, p. 82.

²⁷⁷ *Ibid.*, p. 83.

²⁷⁸ *Ibid.*

²⁷⁹ *Ibid.*, pp. 83, 84.

chairman. This commission made several reports, touching the most vital educational matters. The codified school law provides that the superintendent of public instruction may require the administrative officer of every incorporated or unincorporated organized educational institution, to make such a report as may be required, in order that a complete statement of facts may be placed before the general assembly. The superintendent may also order to be withheld from any local unit any part of the school fund, until such reports as are demanded shall be made by the proper school authorities.²⁸⁰ It is provided that in cities of 100,000 or more population, the board of education shall consist of 21 members, to be appointed by the mayor, the council concurring, the term of office being three years.²⁸¹ After two years service, a city superintendent of schools shall, if re-employed, enter upon a four-year contract.²⁸² Several Illinois cities are still working under special charters, and the new code provides for the surrender of these, and for organization under the general school law.²⁸³ Provision is made for a state board of eight members, appointed by the governor, chief justice of the supreme court and superintendent of public instruction, the latter to be ex officio chairman thereof. This method is thought superior to that of election, as experts can more readily be secured by appointment than by election. The commission believes that if the appointing body above mentioned cannot be relied upon to render unbiased service, it "would despair of being able to secure by election a non-political and effective board." The commission further recommends that the state board of education be given power to make rules and regulations under which the schools of the state shall be supervised. This would strengthen, not weaken, the hands of the superintendent, is the contention. He would be the executive officer of the board, and duties now required of him could be delegated to committees of the board. "His directions and recommendations would have more weight

The
Educational
Commission
of Illinois

²⁸⁰ A Bill for an Act to Establish and Maintain a System of Free Schools, Illinois Educational Commission, bull. no. 6, pp. 12, 13.

²⁸¹ *Ibid.*, p. 42, 43.

²⁸² Bulletin no. 9, Preliminary Report to the 46th General Assembly, sec. 127, p. 17.

²⁸³ *Ibid.*, sec. 123, p. 14.

and become more effective because backed by the influence of the board.'²⁸⁴

As previously stated, where school laws have been revised and codified, they have been made definite, and more extensive powers centered in boards and superintendents. Additional cases will make clear the situation. In 1910 the school laws of Kentucky were revised by the general assembly, as a result of a commission authorized March 17, 1908. We find in reference to cities of the first class that the board of education shall consist of five members.²⁸⁵ It is further provided that the superintendent shall be appointed for one year, but in case of re-election of such superintendent, the term shall be four years. Moreover the board may, on nomination of the superintendent, appoint as many assistant superintendents as it may deem necessary. In any case the board is left free in the matter of compensation.²⁸⁶ An act of 1910 provided for a business director, and as in the case of the superintendent, his election, after the first year, shall be for a four-year term. "The Business Director shall qualify by taking the prescribed oath, and shall be the executive officer of the Board. He shall execute for the Board in the name of the Board its contracts and obligations; he shall see that all contracts made by or with said Board are fully and faithfully performed; he shall have the care and custody of all property of the Board of Education, real and personal, except moneys; he shall oversee the construction of buildings in process of erection and repairs of buildings owned or controlled by the Board; shall advertise for bids, and shall purchase all supplies and equipments authorized by the Board; and, generally, shall execute and carry into effect all matters and things authority for which shall have been granted by the Board, as herein provided."²⁸⁷ The business director shall devote his entire time to the duties of his office and shall give a bond in the sum of \$10,000 with a surety company, the bond to be paid by the board. In reference to the state superintendent, all decisions made by him on appeal

Revised
School Laws
of Kentucky

²⁸⁴ *Op. cit.*, pp. 32, 33.

²⁸⁵ *Kentucky School Laws*, chap. 16, sec. 223.

²⁸⁶ *Ibid.*, sec. 229.

²⁸⁷ *Ibid.*, chap. 16, sec. 230.

from below shall be final, unless within thirty days from his decision appeal be taken to the state board of education.²⁸⁸

Of the other educational commissions may be mentioned those of Virginia, authorized March 13, 1908, of Maryland, April 6, 1908, New Jersey, April 9, 1908, Kansas, in December of the same year, Vermont, the act approved January 28, 1909, and Nebraska, in June, 1909. Other commissions and joint conferences have been of no little significance.

To indicate the trend in the assumption of power by the state in local matters, the revised laws of Minnesota, 1909, provide that in any city of 20,000 or more inhabitants, it shall be unlawful for the school board thereof to permit the use of any basement room for grade school purposes, "except rooms used exclusively for the purpose of teaching domestic science, manual training or physical culture."²⁸⁹ And again, they provide that parents or guardians of children between eight and twenty years of age, "too deaf or too dumb or defective of speech to be materially benefited by the methods of instruction in vogue in the public schools," but otherwise normal, must send such child to the special institution provided by the state, and that such child shall remain in attendance thereon until discharged by the superintendent of same.²⁹⁰

The New
Code in
Minnesota

In cities, particularly of the first class, changes of great importance are taking place. The charter of Chicago, approved June 5, 1907, provides that "no power of this charter vested in the board of education or in any officer of the department shall be exercised by the city council except as by this charter provided."²⁹¹ The board is composed of fifteen members, appointed by the mayor with the approval of the city council, the term being three years, and service without compensation.²⁹² A majority vote of the full board membership shall be necessary for the appointment of a superintendent, business manager and secretary,²⁹³ the term of office for any such officer not to exceed

The Chicago
Charter

²⁸⁸ *Ibid.*, chap. 5, sec. 35.

²⁸⁹ Minnesota School Laws, chap. 52, sec. 1.

²⁹⁰ *Ibid.*, chap. 396, sec. 1.

²⁹¹ Art. 19, sec. 1, Department of Education.

²⁹² *Ibid.*, sec. 2.

²⁹³ *Ibid.*, sec. 8.

four years.²⁹⁴ Such officer shall be removed only for cause by vote of all members of the board. The superintendent shall have power of initiative, subject to confirmation by the board, in the matter of courses of study, textbooks, conduct of the schools generally, appointments, promotions, transfers of teachers and administrative associates, etc. A two-thirds vote of the board is necessary to carry any such matter without the superintendent's recommendation.²⁹⁵ The architect and chief engineer are subject to the general direction of the business manager. His actions are under the immediate control of the board of education.²⁹⁶

The revised charter of the city of Ithaca provides that

"All former or existing acts, or parts of acts, conflicting or inconsistent with the provisions of this title, are hereby repealed, so far as they affect this title, but nothing in this title shall be so construed as to limit, restrain, or annul the powers of the superintendent of public instruction. In all matters of dispute which shall be referred to him by appeal, and which shall arise under and by virtue of this title, or under and by virtue of any other act which is now, or shall hereafter be applicable to the schools, school officers or school property of or in said district, his decision or orders shall be final and binding."²⁹⁷

The Situation
in Ithaca

To multiply instances is unnecessary. In conclusion it only remains to be said that the tendency everywhere is toward a closer union of interests, a more effective form of organization, and a clearer definition of state control. Hinsdale strongly urges the necessity of having all the educational interests of the state—elementary, secondary, collegiate—under one head, and quotes from the commissioner's report to the legislature of New York State in March, 1899, to the effect that there is duplication of work under our present scheme.²⁹⁸ Gove pleads for a central, not state, control, and submits that the perfection of the post-office department depends upon the former, rather than the latter. In his opinion mistakes in education would often have been avoided could we have had a central commission at Washington, and trusts that in our colonies this plan will be developed.²⁹⁹ "The public school finds its chiefest defense, not in

²⁹⁴ *Op. cit.*, sec. 9.

²⁹⁵ *Ibid.*, sec. 27.

²⁹⁶ *Ibid.*, sec. 29.

²⁹⁷ School Law, Ithaca, N. Y., City Charter, Title VIII, sec. 199.

²⁹⁸ *Educational Progress During the Year*, N. E. A., 1909, p. 315.

²⁹⁹ *Education in the Colonies*, N. E. A., 1900, pp. 305, 306.

promoting the welfare of the individual, but the welfare of the race and education are measured by the same standard, the integrity of the state is paramount to the welfare of the individual.³⁰¹ Time is required in which to develop any plan of organization worthy our confidence, and as a result crudities and inconsistencies are observed, the affairs of state are ill managed, and blunders committed before the right man appears to carry the work to a successful issue. "In the long run few institutions are less subject to partisan influence than a state school."³⁰²

In the following sections the attempt will be made to show that a legitimate state control serves only to strengthen and dignify the power of the city superintendent of schools. The state and municipality must work hand in hand. "It is a lesson which the states of the union have been slow to learn, that the efficiency of a school system must necessarily depend largely upon the extent of support, and the proper but complete exercise of state authority. Men who understand it, not uncommonly lack the courage to say so."³⁰³ And the city superintendent must realize that with him it is not how *much*, but how *well*. Freedom he must have. Courage and foresight and enthusiasm and determination are essential. But to the state he must look as the power supreme, which shall make possible unity of purpose, and shall knit closer and closer together the people and their schools, state itself,"³⁰⁰ and because in our form of government democ-

State and
Municipality
Must Strike
Hands

³⁰⁰ Brumbaugh, *The Function of Education in a Democracy*, N. E. A., 1908, p. 84.

³⁰¹ *Ibid.*, p. 83.

³⁰² Jordan, "The School and the State," in *Care and Culture of Men*, p. 66.

³⁰³ Draper, *Origin and Development of the New York Common School System*, p. 23.

SECTION FOUR

EXPANSION OF THE CITY OFFICE

The measure of a city's growth is often the reflex of a nation's achievement. It is frequently an index of increased trade demands, and spells commerce and industry and manufactures. It invariably reaches back for its cause in agricultural and horticultural prosperity. The life and development of the city is made possible only through the tribute it lays upon farm and forest, mine and quarry; the seine of the fisherman and the gun of the fowler; the lake and stream that furnish water, or power, or highway of travel and communication.³⁰⁴

As the population throughout a given territory increases, the normal production of raw material increases as well. As a city grows, an increased amount of raw material must flow cityward. To transform the raw material into the finished product is nowadays the work of the machine, for the factory system³⁰⁵ has, in our economic plan, come to take the place of the individual and family in this regard. The economic changes in cities make imperative the solution of diverse problems there. No longer does the family member carry on all the processes involved in the manufacture of an article,³⁰⁶ from the raw state through the various changes, until the completed or commercial plane is reached. Extreme specialization and a new economic order dictate that even in a well defined field of knowledge the zone of the individual activity is limited indeed.

The factory system calls for extensive plants and equipments; for intricate and costly machinery and apparatus. Raw material must be handled in immense quantities that the returns may be adequate. Coal and wood, oil and gas, are demanded for fuel; power must be generated and applied; men, women, and children

Home
Manufacture
v. Factory
System

³⁰⁴ Butler, *The American As He Is*, p. 22.

³⁰⁵ Dutton and Snedden, *The Administration of Public Education in the U. S.*, p. 120.

³⁰⁶ Thurber, *The Principles of School Organization*, p. 29.

are required in shops and factories. All of this calls for transportation facilities of the best, not only to convey to the city the raw materials, but to trans-ship and carry away the finished product. These transportation facilities can be secured only in large centers of activity reached by many lines of rail and water. In the same way cities expand and engulf the surrounding territory to satisfy the intellectual demands and the aesthetic desires of the people.³⁰⁷ Music, the drama, libraries, art galleries, lectures, sermons, schools—all make their appeal. From the rural community the city is enriched by the best and strongest blood the country has to offer. The artificial life of the city is sustained and raised through the influx of this element from without. But in its turn the city gives as well,³⁰⁸ in terms of literature and science and art;³⁰⁹ of discovery and invention; of larger outlook and more perfect understanding of the facts and forces that play backward and forward in the lives of men. Nowhere can the advantages accruing from these manifold sources be so well secured as in the metropolitan cities.

The City a
Culture Center

Now while the early home was the center of production,³¹⁰ the city organization has changed all this. Trade is centralized. Cities, not families, are the industrial centers.³¹¹ The cobbler, who tanned and prepared the hide and fashioned the shoe complete, has stepped aside to make place for the machine, and now two score men handle the shoe before it passes to the wearer. The corner grocery has been displaced by the department store. And with these modern methods and improvements and labor-saving devices there comes as well a loss in individual effort and personal endeavor and reliance upon the plain and simple things of life. The city offers at once the most favorable as well as the most detrimental conditions for growth. It is comparatively free from state control and affords the advantages accruing from vast wealth and the means of communication.³¹² “As regards

Losses and
Gains from
City Life

³⁰⁷ See City School Systems, Comm. of Education, 1894-95, vol. 1, pp. 3-17, for statistics and reasons for the marvelous growth of cities.

³⁰⁸ Rollins, *School Administration in Municipal Government*, p. 17.

³⁰⁹ Butler, *The American As He Is*, pp. 85-88.

³¹⁰ Bolton, *Principles of Education*, p. 2.

³¹¹ Cubberley, *School Funds and Their Apportionment*, p. 22.

³¹² Thurber, *The Principles of School Organization*, pp. 68, 69.

education it must be observed that the agglomeration of population is more favorable than its dispersion can be. In fact one would naturally turn to the cities and towns for the best schools since they alone can afford to provide the expensive advantages incident to the grading of pupils and the division of labor educationally."³¹³

Our Early
Towns

The settlements of the early centuries in this country were visited on market day or when some matter of great importance called the people together. Here in a common center they met to discuss the general welfare; to vote upon issues of moment; to listen to and take part in argument and debate of questions relating to the public good; to offer goods and produce in exchange, or to sell or buy; to participate in military tactics and drill upon "training day," against the time when a united front should be required to subdue some foe from without or within. Gradually in the beginning, and with marvelous rapidity as time went on, these early settlements grew into towns and villages, villages developed into cities, and these again expanded into metropolitan centers. Goodnow shows that several centers or local units have united to produce a great metropolitan city. The original geographical limits of a given unit were overspread as expansion took place. Considered thus the city is the state in small and, while less complex in certain particulars than the state, is more so in others. The metropolitan city is more fully under the jurisdiction of the state than is its less populous sister.³¹⁴ As the city embraces so many and diverse problems, including that of education,³¹⁵ this close state control is necessary.

Composite
Character of
Municipal Life

The problems incident to urban life always have been and doubtless will continue to be of the most complicated and perplexing character. In the early town organization the process of government was simple indeed. Every citizen was an intrinsic part of the town. In many instances an individual was obliged to accept office at the hands of his fellows when the latter so desired. In the same way and at a later date, the acceptance of

³¹³ Weber, *The Growth of Cities*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 2, p. 397.

³¹⁴ *Municipal Problems*, pp. 288, 289.

³¹⁵ Elliott, *Some Fiscal Aspects of Public Education in American Cities*, p. 7.

the office of district school trustee was made obligatory.³¹⁶ Once a citizen became a public servant—a representative of the people—and every man's eye was upon him. There were no congested districts as in the large modern city. There were no immense corporations, no wealthy interests, and there was less temptation then than now for bribery and coercion and corruption. The opportunities for dishonesty and graft were thus minimized. The desire for financial prestige, for social standing, for political preference did not show itself in the earlier time as it does today. And because all representation was in a sense direct, each citizen felt his individual responsibility in carrying out the will of the whole people. Had the number of towns increased, and had the individual town remained small and non-congested, the problems of municipal government would have been less troublesome. But towns expanded, not alone from within, but through the process of accretion and acquisition from without. This latter was accomplished through annexation of districts and by immigration as well. "The phenomenal increase of population has introduced problems which are all the more difficult in proportion as the increase came through the rapid annexation of outlying and sparsely settled territory."³¹⁷ Thus new administrative problems were constantly arising, and with the beginning of the nineteenth century the tide of immigration, which already had given evidence of its movements, began its persistent push toward the new world.

Of the multitudes of foreigners who reach our shores, the vast majority remain in the cities permanently,³¹⁸ or tarry there, making the city a point of departure for outside localities.³¹⁹ Thus the cities become extensive clearing-houses for humanity. The Teuton, the Celt, the Latin, the Slav;³²⁰ the black and white and yellow; the industrious and the laggard, the studious and the indifferent, the loyal and the traitor, the good and the bad,

³¹⁶ Rawles, *Centralizing Tendencies in the Administration of Indiana*, Col. Univ. Studies in Hist. Econ. and Pub. Law, vol. 17, p. 36.

³¹⁷ Report of the Educational Commission, Chicago, 1898, p. 13.

³¹⁸ Dutton and Snedden, *Administration of Public Education in the U. S.*, p. 120.

³¹⁹ Durand, "Ten Years' Growth in Population," *World's Work*, Jan., 1911, p. 13838.

³²⁰ Young, *Isolation in the School*, pp. 46, 47.

the stalwart citizen and the dangerous criminal—all seek a home, and for the most part seek it in our cities. This gives to the municipality an exceedingly mixed population,³²¹ and the urban communities are coming to be centers where the forces of attrition and assimilation are increasingly great.³²² With a population of slight homogeneity³²³ and under conditions of such abnormal growth, it is easy to understand how officials, who, contrary to the former custom, could not now be under the eye of the public, should many times bring discredit to themselves and to their city. And at once this would point the necessity for a more definite placing of responsibility; for a more far-reaching legislative policy from without and a stronger administrative body within. Municipal growth was carried upon the shoulders of economic development, industrial supremacy, and commercial spirit. There were contracts, and leases, and franchises, and vast public improvements, and gigantic industrial enterprises before unknown. Sewers, streets, parks, asylums, jails, federal buildings, schools, called for such expenditure of moneys that the municipal machinery was not adequate to guarantee an honest disposition of the funds. If our rapid economic and commercial expansion frequently brought on undesirable conditions outside the city, how much more was the fact noted within the city itself. In this connection Goodnow says: "When we approach the study of problems connected with municipal administration we find conditions are even worse than those which have been described. For the fact that cities have been so long chartered by special legislative act and the almost complete absence of all city reports to state officers have made the collection of material on specific municipal problems a work before whose difficulties one simply stands in a state of almost mental paralysis."³²⁴ Elliott goes on to show that, the administration in cities being aside and apart from other municipal activities, the study is complicated. This

Causes
Leading to
Corruption

³²¹ Rollins, *School Administration in Municipal Government*, p. 16.

³²² Shaw, *Political Problems of American Development*, p. 73.

³²³ Butler, *The American As He Is*, pp. 5-7.

³²⁴ *The Work of the American Political Science Association*, Am. Pol. Sci. Assn., vol. 1, p. 44.

isolation, however, he insists, is necessary to clear itself of political, social, and religious forces. Education must be a separate matter.³²⁵

That the city offers an excellent breeding ground for these undesirable conditions is apparent. In a study of the growth of education in municipalities, however, the other side of the question is fully as important of comprehension. The cities, as already indicated, are centers or great laboratories of culture and art and learning. These forces for uplift hold in counterpoise those concentrated movements making for civic dethronement and moral degradation—movements possible to city government. Here money and trade interests converge, and here selfishness and ambition run riot. It frequently falls out that liberty-loving, law-abiding citizens, after unsuccessful attempts to bring about a more desirable civic sense, give up in despair or disgust,³²⁶ and permit the “interests” and ward politicians to do as they will.³²⁷ It is to meet such conditions as these³²⁸ that a larger unit than the city is needed to hold the balance of power in legislative matters. The restraining hand of the state must help shape and direct the law.

State
Censorship
in Municipal
Control

“It is a suggestive fact that the only real progress in the direction of municipal reform has been made through the imposition of limitations upon the common suffrage, through taking away authority from the representatives of the people, though the centralization of power and responsibility in fewer individuals, and through statutory requirements and prohibitions upon public officials. . . . The larger the city the greater will be the necessity for statutory plans of organization, which centralize responsibility and direct and limit official action.”³²⁹

The charters authorizing cities in early colonial days gave the council power in the matter of various appointments. The council as ordinarily composed included the mayor, the recorder, the aldermen and councilmen.³³⁰ This plan of organization prevailed for many years. “Very early in the nineteenth century, however, the attempt was made to apply to the city organization the

³²⁵ *Some Fiscal Aspects of Public Education in American Cities*, p. 10.

³²⁶ Dutton and Snedden, *Administration of Public Education in the U. S.*, p. 122.

³²⁷ Bryce, *American Commonwealth*, ed. 3, vol. 1, pp. 642, 643.

³²⁸ Rollins, *School Administration in Municipal Government*, p. 17.

³²⁹ Draper, *Plans of Organization for School Purposes in Large Cities*, N. E. A., 1894, p. 298.

³³⁰ Goodnow, *Principles of Administrative Law*, p. 206.

Early Cities
Chartered
Through
Legislative
Enactment

principle of the separation of powers which lies at the basis of the state governments.”³³¹ It was through legislative enactment that early American cities were granted charters. The colonial charters were considered in the nature of contracts. Under the declaration, these municipal charters were granted through the state legislatures, each act being a law unto itself and having relation only to the particular city in question. Application was made to the state legislature by the community desiring to be incorporated. This necessary routine was followed until the middle of the last century, and only then did the state abandon the idea of the contract element in the municipal charter.³³² Bryce states that “of the ten greatest cities of today only four—Baltimore, New Orleans, New York, and Philadelphia—were municipal corporations in 1820.” Continuing, Bryce declares that “Every city has received its form of government from the State in which it stands, and this form has been repeatedly modified. Formerly each city obtained a special charter; now in nearly all states there are general laws under which a population of a certain size and density may be incorporated, yet, as observed above, special legislation for particular cities, especially the greater ones, continues to be very frequent.”³³³ When the contract conception of the municipal charter was abandoned by the state, there developed a movement in the cities toward more general participation in the affairs of municipal control. This movement is now becoming well defined. Moreover, the sentiment for popular interest is evident, both in state and local affairs. The governor’s power is enlarging in many states by granting him the right of veto. This power may even apply to a portion or clause of a bill that otherwise may be as desirable for the locality as for the state at large. Cities are now allowed to make, revise, and amend their own charters.³³⁴ And this popular control in cities and towns has made progress, through the matter of improved charters, as well as restrictions placed upon law makers in local and special legislation, and through the introduction of

The
Municipality
Becoming More
Aggressive in
Government
Affairs

³³¹ *Op. cit.*, pp. 212, 213.

³³² Bard, *The City School District*, p. 11.

³³³ *American Commonwealth*, ed. 3, vol. 1, p. 623.

³³⁴ Doad, *Some Recent Tendencies in State Constitutional Development*, 1901-08, Am. Pol. Sci. Assn., vol. 5, p. 155.

the local initiative, referendum, and recall.³³⁵ The school district enjoys larger freedom if general legislation is substituted for special legislation.³³⁶

The powers of appointment must be granted expressly by the state constitution, or by an act of the state legislature.³³⁷ In the first year of the nineteenth century the council of appointment in New York state, a body created by the assembly from the senate body, was vested with appointive power. By thus dividing responsibilities, evils resulted, bringing on the elective system. A return to the system of appointments by the governor is now the order.³³⁸ No doubt much of the recent progress in school administration is due to legislation and to charter revisions and changes and modifications in school laws. Then, too, the decisions of state superintendents and commissioners form a body of administrative law that is becoming yearly more authoritative, and the school laws of several states have recently been worked over, clarified, and codified. Municipal reform in general paved the way for advances in the department of education. In many cities, boards or commissions of freeholders were appointed to draft desirable changes. Since 1901 New York City has been a notable example of a municipality working under a modern charter. A central board of forty-six with a membership made up from the several boroughs is appointed by the mayor. For educational purposes the city is divided into as many districts as there are board members. Each district has a local board of seven, and each borough has representation upon an executive committee of fifteen made up from the central board.³³⁹

But while constitutional provisions have specified the manner of legislative control over cities, there has been a feeling in some quarters that the city should free itself from such control.³⁴⁰ It is a fact, however, that as each state is in a measure a law unto itself, so would each individual city, if separated from state control, desire to become autonomous and a self-centered entity.

Legislative
and Charter
Provision in
Education

The Question
of the
Freedom
of Cities

³³⁵ *Ibid.*, p. 164.

³³⁶ Bard, *loc. cit.*, p. 111.

³³⁷ Goodnow, *loc. cit.*, p. 98.

³³⁸ *Ibid.*, pp. 99, 100.

³³⁹ Dutton and Snedden, *Administration of Public Education in the U. S.*, pp. 127, 128.

³⁴⁰ Bard, *loc. cit.*, p. 20.

Until some plan of uniform charters and a system of educational control for all cities, as in England, is devised, there can be slight restriction to the control now exercised by the state over the city,³⁴¹ in matters educational. The city may be supposed to be independent in certain internal affairs, but in general it performs its functions as an agent of the state.³⁴² It not infrequently happens that municipal officers are called upon to attend to matters relating primarily to state, rather than to city interests.³⁴³ Then, too, municipal functions in one city may not be so rated in another. That which a city discharges today as a municipal function, it may be required to discharge tomorrow as an agent of the state.³⁴⁴ Bryce says that in many cases, where the city has not been made directly the agent of the central state administration, in that of itself or through its officers it must attend to certain matters of general interest, the expense of a long series of litigations often devolves upon the city. This is particularly true of the matter of education. This same authority states further: "Education is indeed almost the only matter which has been deemed to demand a special body to handle it. Nevertheless, even in America, the increasing complexity of civilization, and the growing tendency to invoke governmental aid for the satisfaction of wants not previously felt, or if felt, met by voluntary action, tends to enlarge the sphere and multiply the functions of local government."³⁴⁵ The adjustment as between city and state is rapidly being made, and definition given the powers of each. The ideas of the relation of the city as an independent corporation on the one hand and of a state charge upon the other³⁴⁶ are becoming reconciled and unified. The basis of just government is public sentiment. For the expression and application of this sentiment states are required, and that voting may be simplified, these are divided into lesser units. The central authority holds a controlling hand over these districts, but

³⁴¹ *Ibid.*, p. 21.

³⁴² *Ibid.*, p. 22.

³⁴³ Goodnow, *Municipal Reform*, p. 63.

³⁴⁴ Bard, *loc. cit.*, p. 23.

³⁴⁵ *American Commonwealth*, ed. 3, vol. 1, p. 619.

³⁴⁶ Dutton and Snedden, *Administration of Public Education in the U. S.*, p. 122.

none the less does each possess an individuality of its own; neither are its movements hampered nor its rights curtailed. A full measure of justice is thus granted the sub-districts by the state.³⁴⁷

A recent case in point, as illustrating the supremacy of the state over the municipality in educational matters, is the decision of Judge Sturtevant of the Superior Court in San Francisco.³⁴⁸ Mayor McCarthy declared the offices of the old board vacant and proceeded to appoint a new board to act under his administration. Judge Sturtevant held the act of the mayor to be illegal and issued an order replacing the original board. The school board is held to be a state council and hence beyond the authority of a municipal officer (the mayor) to remove. The judge holds that the whole subject of the public school system has been treated by the constitution, the statutes, and the courts as a state and not a municipal affair. He says: "It cannot be said that any provision of the constitution clearly granted the power to remove such a board from office." And because no such direct settlement is possible, the case must be settled on the more general grounds as to whether the schools of a city are a state or a municipal charge. Appeal to the city charter cannot be taken, since "A city charter adopted under the provisions of the constitution has no effect whatever upon the existence or legal character of a school district formed under the general law." In answer to the argument that everything within the city is subject to the sovereignty of the city, the court shows that fines collected by city officials for violation of state statutes are for the benefit of the state;³⁴⁹ that the payment of jurors in criminal cases³⁵⁰ is not a municipal affair; that the state has jurisdiction over higher misdemeanors.³⁵¹ All these decisions tend to show that power to remove a state or county officer is not granted as an implied power. In support of the contention that the public schools are not primarily a municipal institution, I quote:

Case: City
Board of
Education
Not Subject
to Municipal
Control

³⁴⁷ Snow, *The Question of Terminology*, Am. Pol. Sci. Assn., vol. 3, pp. 231, 232.

³⁴⁸ *Kinkaid v. McCarthy et al.*, San Francisco, 1909. Proceedings not published.

³⁴⁹ *Jackson v. Baehr*, 138 Cal. 266.

³⁵⁰ *Robert v. Court*, 82 Pac. 838.

³⁵¹ *City of Marysville v. Yuba*, 1 Cal. 628.

"A city is a corporation distinct from that of the school district even though both are designated by the same name and embrace the same territory. The one derives its authority direct from the legislature through the general law providing for the establishment of schools throughout the state, while the authority of the other is found in the charter under which it is organized; and even though the charter may purport to define the powers and duties of the municipal officers in reference to the public schools in the same language as has the legislature in the political code, yet these powers and duties are referable to the legislative authority and not to the charter."³⁵²

The need for a closer supervision of municipal affairs began to be felt with the growth of conditions heretofore described. Our municipal expenditures are enormous and our municipal debts exceed the debt of the national government.³⁵³ At present about one-half of the population of the United States live and work in cities.³⁵⁴ Phenomenal expansion and a multiplicity of problems have made imperative the demand for the centralizing of power and the placing of responsibility. Brooklyn, under her charter of 1882, New York City in 1884, and cities throughout New England, especially in the years immediately following, granted to the mayor increased powers in appointments and removals and the efficiency of small boards began to be understood.³⁵⁵ And this need for individual authority was manifest in the field of education as well as in the various branches of municipal government. For progress in the management of finance, police, fire, and other departments was made along with that of education.³⁵⁶ In the first half of the nineteenth century the decentralizing tendencies were very marked. The acts of local officials were not supervised, notwithstanding that the state was always superior to its component parts. From 1850 to the close of the century there was a radical change toward centralization. Local officials were subject to supervision and inspection by boards and officers of various branches of administration. In the domains of public health, public charges, education, and

The Trend
Toward
Centering of
Municipal
Control

³⁵² Kennedy v. Miller, 97 Cal. 434.

³⁵³ Elliott, *Some Fiscal Aspects of Public Education in American Cities*, p. 8.

³⁵⁴ Dutton and Snedden, *Administration of Public Education in the U. S.*, p. 120.

³⁵⁵ *Ibid.*, p. 125.

³⁵⁶ Elliott, *loc. cit.*, p. 8.

local finance, this was particularly true.³⁵⁷ But it is a difficult undertaking for cities to bring about great reforms from within.³⁵⁸ Some external influence and pressure, uniting with progressive internal movements, is necessary to accomplish this with any degree of dispatch. Cities have been slow indeed to realize that reform in matters municipal is absolutely essential to successful life and growth, and "It is only within recent years that Americans have thought it necessary to study carefully the science of municipal government."³⁵⁹

The *school committee* and the *school visitor* had each in turn accomplished notable results, and each in turn had proved its adequacy to meet the enlarged conditions of the growing democracy. It began to appear that not only must more serious attention be given the administration of the schools, but that supervision in cities should be both a profession and a business. Furthermore, as has been suggested, the details necessary in carrying out a policy for the urban community are vastly different from those in force in a rural locality. Again, the policy itself in the city is quite dissimilar to that necessary in the country. From both the educational and business sides, special heads are demanded for city school systems. The modern city school system and other reformed municipal activities are of comparatively recent origin.³⁶⁰ While the necessity for expert direction was not felt as fully in an early day under the district system, as at a later period, the need was there. To secure economical results in school or elsewhere we must systematize and centralize. Our economic system so demands. We must have a competent head controlled by proper rules.³⁶¹

The
Individuality
of Municipal
School
Administration

Horace Mann in his first report in 1838 spoke strongly on the need for supervision in education. His report in 1845 considered more fully the ways and means of establishing the office of superintendent for cities, and other school men of the day

³⁵⁷ Fairlie, *State Supervision in Local Finance*, Am. Pol. Sci. Assn., vol. 1, p. 152.

³⁵⁸ Dutton and Snedden, *loc. cit.*, p. 123.

³⁵⁹ *Ibid.*, p. 121.

³⁶⁰ Fairlie, *Municipal Reform*, p. 200.

³⁶¹ Denfield, *The Superintendent as an Organizer and an Executive*, N. E. A., 1900, pp. 282-288.

Early City
Superintendencies

were active supporters of the idea. The direct history of city school supervision runs back only to the year 1837. Buffalo, New York, seems to enjoy the distinction of being the first municipality to engage a superintendent of schools. In the same year Louisville, Kentucky, followed, and two years later the city of Providence,³⁶² Rhode Island, did likewise. Springfield, Massachusetts, elected a superintendent in 1840, New Orleans in 1841, Rochester, New York, in 1843, Columbus, Ohio, in 1847, Syracuse, New York, the next year, Baltimore one year before the middle of the century, and Cincinnati in 1850. These cities paved the way for that innumerable company that later adopted a like policy. For during the great internal strife of the early sixties, and in the subsequent period of recovery, reconstruction, and union of interests, the spirit of the schools made steady advance. "School committees in many towns, recognizing that one man could accomplish more by giving his whole time to the work than could several whose interests and time were divided, delegated to a single member supervisory duties, and had him designated as superintendent of schools. A little later men from without the board, who were skilled in school matters, were selected for these positions, and we have the origin of the modern city superintendent."³⁶³ The success of the experiment of close supervision in these cities soon called for aggressive action in all parts of the country. Boston and Gloucester, Massachusetts, and New York City joined the ranks in 1851, San Francisco and Jersey City in 1852, Newark, New Jersey, Brooklyn, and Cleveland the year following, Chicago and St. Louis one year later. Then in 1855 Indianapolis, and Worcester, Massachusetts, elected superintendents, to be followed by Milwaukee in 1859, Albany, New York, in 1866, Kansas City, Missouri, in 1867, Washington, D. C., in 1869, Denver in 1872, and Philadelphia in 1883. Thus many of the larger cities were more conservative than those of small and moderate size, and marched haltingly toward the vantage ground of central control.

³⁶² Martin says that Providence was the first city to put the idea in practice, "suggested . . . by the factory system of the State." *The Evolution of the Massachusetts Public School System*, pp. 220, 221.

³⁶³ Dexter, *History of Education in the U. S.*, p. 185.

It would be interesting and instructive to study these typical cities, the better to determine causes leading to the inception in them of the office of superintendent of schools. Source of early settlement, the temper of the people, industrial condition, geographical location—these and numerous other causes may be supposed to play a part in any such movement. By reference to the accompanying table, it will be noted that at a given period, in widely separated sections of the country, an identical movement was taking shape. Buffalo and Louisville—the North and the South—were advancing shoulder to shoulder. In conservative New England, at Springfield, and at the metropolis of the cotton country, New Orleans, progress was demanded simultaneously. Public sentiment focused in the Ohio country at Columbus and in Baltimore at about the same time. The office of superintendent of city schools was being inaugurated at Jersey City, while away on the Pacific Coast, in the very noon-time of her “days of ’49,” San Francisco was keeping step.

Causes Leading
to Creation of
Office of City
Superintendent

City	Year of office of Superintendent of Schools inaugurated
Buffalo, N. Y.	1837
Louisville, Ky.	1837
Providence, R. I.	1839
Springfield, Mass.	1840
New Orleans, La.	1841
Rochester, N. Y.	1843
Columbus, O.	1847
Syracuse, N. Y.	1848
Baltimore, Md.	1849
Cincinnati, O.	1850
Boston, Mass.	1851
Gloucester, Mass.	1851
New York City	1851
San Francisco, Calif.	1852
Jersey City, N. J.	1852
Newark, N. J.	1853
Brooklyn, N. Y.	1853
Cleveland, O.	1853
Chicago, Ill.	1854
St. Louis, Mo.	1854
St. Joseph, Wis.	1854
Indianapolis, Ind.	1855
Worcester, Mass.	1855

Milwaukee, Wis.	1859
Albany, N. Y.	1866
Kansas City, Mo.	1867
Washington, D. C.	1869
Denver, Col.	1872
Seranton, Penn.	1877
Philadelphia, Pa.	1883

First thought would seem to indicate that with tradition and culture and stability New England would have kept far in the lead in the organization of city school systems. Her settled policy and great advance in higher education should have given her a perspective and a point of view unattainable by the less refined western and southern country. As a sociological problem it would be worth while to note the real reasons for the movement, forward and backward, and the particular relation existing between various localities and cities. And it would be fully as illuminating to attempt an analysis of reasons for the development of educational sentiment toward centralization in Chicago in 1854, in Denver in 1872, only to find this same sentiment uncrystallized in the city of Philadelphia until the year 1883.

Reasons for
the Separation
of Educational
and Municipal
Matters

As, more and more, the magnitude of the educational machine began to be understood and appreciated, there developed a feeling that the management of school affairs should be considered aside and apart from other municipal activities. Taxation for school purposes; estimating the budget; proper apportionment of funds; questions pertaining to the certification, selection, assignment, compensation, and dismissal of an army of teachers, assistants, and employees; the choice of textbooks and apparatus; the making of courses of study; the locating and acquiring of new sites and the planning and constructing of buildings—these and many additional problems called for specific thought and treatment. For, says Bard, “The city as a city has nothing to do with the city school district.”³⁶⁴ This authority states further:

“As a matter of fact, whether the city school district is provided for as a department of the city government, or is created an independent corporation exclusively for educational purposes, various officers of the city government are frequently charged with important functions in connection with public education within its limits. But, as has been seen, this is true also of other municipal corporations as well as of the city.

³⁶⁴ *The City School District*, p. 28.

The state has also utilized for the administration of schools within the city school district, various agencies provided by it for the administration of education or other affairs of the state in its different subdivisions, or in the state as a whole.’’³⁶⁵

It is necessary that the line between executive and administrative duty and action be clearly drawn. Power resides in the people and all should have a voice in shaping the policy to be followed. But this policy once determined, it should be intrusted in the hands of a small administrative body invested with authority. In cities, the questions pertaining to education should be considered apart from other matters of civic welfare, the administration of the same being in the hands of a central authority. “The affairs of the school should not be mixed up with partisan contests or municipal business.”³⁶⁶ Decisions of the higher courts have shown that the city has no control over the board of education, and that officers or agents of the board act independently of the city. Note the following case. The department of public instruction of New York City rented and conducted school in a room in the upper part of a building, in the lower floor of which was a salesroom. The goods stored in this latter room were alleged to be injured by leakage of water from above and damages were asked by the plaintiff. It was held that “The city of New York is not liable for negligence of employees of the commission of the department of Public Instruction.” It was further held that while not declared by act of 1871 a corporation, it was the evident intention that the education department should be such and that it should not be subject to control of city government. Whether it was a corporate body is not material, for although formerly constituted a department of the municipal government, the duties which it was required to discharge were not local or corporate, but related and belonging to an important branch of the administrative department of the state government. Although appointed by the mayor the commission were independent in their own appointments of subordinates, and free in the exercise of the educational machine. It was held that the municipal

Case:
Municipality
Not Liable
for Acts of
School Board

³⁶⁵ *Ibid.*, p. 37.

³⁶⁶ *Report of the Committee of Fifteen on the Organization of City School Systems*, p. 128.

corporation is not liable for damages.³⁶⁷ The city board of education member is not a city official, but, elected or appointed locally, he serves the state³⁶⁸ through serving his community. The council and the board of education are separate bodies.

The
Municipality
and the School
District

Within each municipal corporation is found a school corporation, the latter independent of, but, according to Smart, coterminous with, the former.³⁶⁹ This statement is not quite true to fact, for, as has been shown, frequently the city school district embraces territory outside the municipal boundaries. Hence we may have a combination of school corporation, of district, parish, or county, each in a manner independent, but forming portions of one entire system.³⁷⁰ The town of Santa Cruz, California, was incorporated as a city with boundaries identical. Through special legislative act the city included the Santa Cruz school district and a portion of the Bay View school district adjoining. The latter unit preserved a separate autonomy from 1865 to 1889. For years the county superintendent had apportioned funds to the Bay View district, and when finally such apportionment was discontinued, said district as plaintiff sought to secure such apportionment. The county superintendent as defendant refused to acknowledge the Bay View as a separate district, the contention being that the portion of the latter included in the city of Santa Cruz was for school purposes a part of the Santa Cruz school district. Hence it must be determined whether "by the incorporation of the town or city of Santa Cruz, all that portion of the school district with the annexed boundaries of the city has been withdrawn from the district. Unless subdivided by legislative authority each city or incorporated town forms a school district (Political Code at the time of incorporation, Section 1576). In 1878 the amended section permitted the supervisors to include more territory with the city school district than that now included within the boundaries of an incorporated town." In 1891 the section was further amended to provide for the supervisors upon petition, to annex to the city for school

Case: City
School District
May Include
Outlying
Territory

³⁶⁷ Ham v. The Mayor, etc., 70 N. Y. 459.

³⁶⁸ Draper, *American Education*, p. 54.

³⁶⁹ *The Best System of Schools for a State*, N. E. A., 1880, p. 32. See also same title (Douglass and Carlon, Indianapolis), p. 15.

³⁷⁰ *Ibid.*, p. 32 and p. 5, respectively.

purposes “only the remainder of the district or districts for which said city or town was organized, or any part thereof; and *provided further*, that whenever any territory shall be annexed to a city or an incorporated town for school purposes, the board of education or of school trustees of said city or incorporated town shall have full control for school purposes only of the territory or property so annexed.” It was held that the board of supervisors have annexed no territory to the city and that after incorporation the powers of the supervisors cease. Hence any portion of the original Bay View district now within the limits of the city of Santa Cruz is part of the latter school district. Bay View as a *corporation* is not here considered, but Bay View as a school district, through annexation, is under the control of the board of education of Santa Cruz.³⁷¹ “As union of city districts has often been formed by consolidation of or by the addition of suburban areas, and because every district or ward desires representation,”³⁷² large board membership has resulted. In New England this question of the relation of the school board or the school district to the municipality seldom arises, owing to the sovereign capacity of the town meeting. Taking cities by and large throughout the country, it appears that the school systems of half of the principal ones are considered as a part of the city government.³⁷³ In some cities the school and local boards have slight connection. It is the judgment of many that reason for autonomy does not exist in the school department more than in that of parks, streets, fire, or the like.³⁷⁴ The distinction as between school district and municipality, as well as the fact that the state stands superior to the city unit, is shown in the following case. With reference to an issue of bonds by the school district of Los Angeles city we find that “The school system of the state is a matter of general concern and not a municipal affair. There is a well recognized difference between the acts of a city and the acts of the school district which may

Case: City
and School
District
Derive Power
from Different
Sources

³⁷¹ Bay View v. Linscott, 25 Cal. 99.

³⁷² Dutton and Snedden, *Administration of Public Education in the U. S.*, p. 137.

³⁷³ *Ibid.*, p. 126.

³⁷⁴ Hinsdale, *The Business Side of City School Systems*, N. E. A., 1888, p. 313.

comprise the same territory. These are essentially the acts of two different corporate entities, the powers of the city being drawn from the charter and the powers of the school district being derived from the provisions of the political code.³⁷⁵

Some Problems
of City School
Administration

As city school systems developed it became evident that troublesome problems demanded solution particularly on the administrative and financial sides. Should the board of education be large or small, elected by the people or appointed by the mayor, council, or court? Should the superintendent be responsible to the board, or should he be elected by popular vote and be answerable only to the people? How should a division of duties as between superintendent and board be made? Should the board act as a body or by committees? Would the business side of the organization best be placed in the hands of a special agent? To whom should he be responsible, superintendent or board? Under what conditions, if at all, should appeal be taken from the decision of the superintendent and the board, and in whom was vested the higher authority? In just how far was the city the agent of the state? What, in short, was the relation of the city school department to the municipal government, and what the relation of the latter to the state at large?

The City
Board of
Education: Its
Freedom

The board of education, which is charged with the direction of schools within the limits of the city, and which is often regarded as a separate municipal corporation, is usually elected by the people residing within the district. In some cases, however, this body is appointed by the municipal authorities; in others it is appointed by the legislature.³⁷⁶ But whether elected by the people or appointed by mayor or council, boards were formerly, as a general rule, composed of many members. Not only was it considered more democratic to work under large and representative boards, but such a body brought wide experience and added wisdom to its councils. It not infrequently happened that the hands of board members were in large measure, if not completely, tied by the local council, especially in matters of finance. It is also true that city councils sometimes performed

³⁷⁵ Los Angeles City School District et al. v. O. W. Langdon et al. Board of Supervisors of Los Angeles County, 83 Pac. 1905.

³⁷⁶ Rollins, *School Administration in Municipal Government*, p. 24.

the duties of a board of education.³⁷⁷ “Wherever school systems have been under the control of the city government, progress has often been retarded, the schools have been regarded with suspicion if not with contempt by many people, and the establishment of high professional standards has been well-nigh impossible.”³⁷⁸ The school board members are supposed to be chosen on account of fitness to discharge the duties of the office. They are expected to make a study of the condition and needs of the schools and of the trend of education. The city council on the other hand is likely to give much more attention to the granting of a building permit, the hearing of a petition on street opening, or an argument favoring the issuance of a license to an itinerant peddler. Boards of education should be free not only in the matter of budget estimates, but in expenditure as well. One authority states that so far as he had noticed, when a school board had to stand before a city council hat in hand, pleading for appropriations, the cause of education was humiliated.³⁷⁹

The large board, so common in the beginning, and still in existence in many places, divided responsibility to the detriment of the schools. It has even been reported that the number of board members in a New England town equalled the number of the teaching corps—200. Philadelphia had at one time a board of 500, and Pittsburgh 234 members.³⁸⁰ When elected by wards or precincts or districts, local pride or political jobbery often plays a part injurious to the wider interests of the city at large. To eliminate the evils resulting from election by wards, appointment by city council was resorted to in some cities. The results from this plan were also unsatisfactory. Municipal officers have oftentimes been loath to release into the hands of school boards their control upon the school. Even today in many of the more enlightened localities, the city council looks with keen displeasure upon the independent school board, and this notwithstanding the fact that the school budget alone may be greater than the combined budgets of all other departments,

The Board:
Election v.
Appointment

³⁷⁷ Bard, *The City School District*, p. 42.

³⁷⁸ Dutton and Snedden, *loc. cit.*, p. 122.

³⁷⁹ Stevenson, *Discussion: The Business Side of City School Systems*, N. E. A., 1888, p. 319.

³⁸⁰ Dutton and Snedden, *loc. cit.*, p. 137.

and that from the business as well as from the educational side school administration demands special treatment. The problem of school is the problem of cities, of government. As the school is not the creature of the municipality, the state should assume large responsibility, and should protect the school in wards of cities, the school officers not being municipal officers.³⁸¹ Webster declares for appointive rather than elective boards, but says that as yet many localities have not developed public sentiment for good schools. If left to the local community rather than to a central (not national) board, education will suffer. Centralization is not un-American. It compels the weak places to strengthen.³⁸² "The members of school boards should be representative of the whole population, and of all their common educational interests."³⁸³ This report goes on to show that the representation should be at large, the number of board members small, and the term extended.

The evils resulting from the large board soon became apparent. The body was too cumbersome, and instead of turning off business as would the directors of a bank or a corporation, the meeting of the board of education became a forum for debate, argument, and oratory. The plan of dividing the work of the board among committees, while in itself possessing points of strength, does not result in the greatest efficiency if the board be large and the committees numerous. With large boards these committees consisted of from three to five or seven members each. Frequently the number of committees was so great that a given member found himself upon two or three, the chief of which were those of finance, course of study, teachers, janitors and supplies, discipline, buildings and grounds, etc. Says Chancellor: "It may appear that a large board, divided into many committees, each doing much executive work full of details, has greater authority over the schools than a small board, doing no executive work at all; but a close examination of the history of the school boards in Boston, Cleveland, Indianapolis, and St. Louis, where

The
Committee
Plan

³⁸¹ White, *Discussion: City School Systems*, N. E. A., 1890, p. 465.

³⁸² *Discussion: What Kind of Centralization, If Any, Will Strengthen Our Local School System*, N. E. A., 1898, p. 989.

³⁸³ *Report of the Committee of Fifteen on the Organization of City School Systems*, p. 120.

there has been true progress, and a cursory examination of the record of such a committee as, for example, the District of Columbia, where the board has been enlarged, quickly dispels the illusion."³⁸⁴ Again: "The first principle of such organization is to have small committees. The several advantages of such committees are similar to those of a small board of education. Two or three men can discuss a matter much more carefully than can seven or ten men."³⁸⁵ The committee plan does not assure the best results. It is only slightly better than for the state legislature to carry on state administration by means of standing committees.³⁸⁶ When the superintendent has his work laid out by committees, initiative and individuality are lost.³⁸⁷ The committee system, carried to its finality, allows of "trading" and the shifting of responsibility from one to another. Gatton says there is more danger of trickery in the small than in the large board. He favors the committee plan and thinks the board should be permanent; its work legislative, executive, and judicial.³⁸⁸

In its notable report in 1898, the Educational Commission of the city of Chicago said: "The joint authority of the city council and the board of education in the purchase of sites and the erection of buildings has caused undue delay and, in some cases, has aroused public suspicion in the matter of school accommodations. . . . We respectfully recommend, therefore, legal provision for a small membership of the board and for a distinct differentiation of legislative and executive work."³⁸⁹ Since 1898 in many cities there has been brought about a dissolution of interests as between the board of education and the city council or board of commissioners. It must be admitted, however, that as yet there are few examples of complete separation of powers and duties, and it is an open question as to how far such separation should be carried. In many of our larger cities, perhaps one half, a close

Legislative and
Executive
Functions
Differentiated

³⁸⁴ *City Schools—Their Direction and Management*, p. 49.

³⁸⁵ Chancellor, *Our Schools, Their Administration and Supervision*, p. 43.

³⁸⁶ Hinsdale, *The Business Side of City School Systems*, N. E. A., 1888, p. 317.

³⁸⁷ *Report of the Committee on City School Systems*, N. E. A., 1890, p. 312.

³⁸⁸ *School Boards*, N. E. A., 1894, p. 769.

relation between the two bodies still exists, and in matters pertaining to the budget especially, the municipal authority controls. New York, Philadelphia, Baltimore, and Chicago are notable as amongst this class of cities. Wiley says: "In municipal government there has been a decided subordination of the educational authority to the general administration. The municipal program of the National Municipal League voices the extreme of this tendency in municipal government."³⁹⁰ There still exists also much divergence of opinion as to the best method of securing the city school board; some who believe in making it an independent body would place the appointment of its members in the hands of the mayor or city council. If the board of a city is to be appointed, the city council or mayor may serve the people's interests as satisfactorily as any civic body. In any event school boards that are appointed are almost invariably satisfactory. Better results are noted where the change from election to appointment has been made. A commission chosen without regard to party affiliation or ward location would perhaps be best qualified to name a competent board. It would seem, however, that the election of the board may be left directly with the people.³⁹¹ It is certainly unsafe to go to the extent of doing away with the school board and centering power in the hands of one man,³⁹² whether such man be appointed or elected. The elected board represents the people, and should not be far removed from them.

A commission could lay down certain basic principles as to the working plan for all city boards, with each body left free to determine details.³⁹³ It is a matter of more general belief than formerly that extensive legislation is not called for. The board should be accorded perfect freedom where the conditions will permit, restrictive legislation giving way as ideal conditions advance. The feeling is also somewhat general that the board and superintendent should act in harmony toward a common end.

Great Value
of Properly
Constituted
Board

³⁸⁹ Pp. 12, 13.

³⁹⁰ "The Layman in School Administration," *Teachers' College Record*, Nov. 1910, p. 9.

³⁹¹ Wiley, "The Layman in School Administration," *Teachers' College Record*, Nov., 1910, p. 5.

³⁹² White, *Authority of the School Superintendent*, N. E. A., 1899, pp. 214-320.

The large board should be displaced by the small; the latter should center power in the hands of the superintendent, and, while giving him their entire support, the board should demand from him large returns in efficiency and result. "The great reform of the decade in Boston school administration," says Ellis, "was the substitution on January 1, 1906, of a school committee of five for one of twenty-four. This created an organization of potency and led to numerous important reforms."³⁹⁴ Subcommittees were abolished, and the public was permitted to know what was done. The functions of the school officials were enlarged and the superintendent and his assistants took over the duties formerly held by the committees. The beneficial effects are felt everywhere.

A question of large importance is as to who should accept office on the school board. Politics aside, the question is still unanswered. Should those only who are familiar with the educational régime and who possess knowledge of the details of school organization and management, permit themselves to be elected to the office? There is a feeling in some quarters that "no one should accept a position on a school board unless he is entirely in accord with the system of public education and is prepared to make some sacrifice of his personal private business for the public good."³⁹⁵ There should be no difference of opinion as to the latter portion of the statement here made, although it would seem that in the interest of reform, both superintendent and board member might be led to accept positions of public trust even when out of sympathy with the prevailing system. Moreover it is hardly probable that any system of education is entirely acceptable to a progressive superintendent or broad-minded board member. Some think the board members should be trained educationally or they will not be able to display judgment in holding the superintendent for results.³⁹⁶

Who Should
Serve as
Board Members

³⁹³ Mark, *The Function of School Boards*, N. E. A., 1909, p. 840.

³⁹⁴ "A Decade of School Administration in Boston," *American School oBard Journal*, Sept., 1910, p. 5. (See also N. E. A., 1910, pp. 987-992.)

³⁹⁵ Binford, *The Relation Between School Boards and Superintendents*, N. E. A., 1873, p. 250.

³⁹⁶ Wiles, *Relation of the School Board to the People*, N. E. A., 1897, p. 981.

The superintendent of city schools has from the first been a leader educationally. This was true in the beginning when the office was for long filled in many cities by popular election. In late years it still holds true as, more and more, it has become customary for the board of education to make the appointment. It has been felt by many that appointment of this official was undemocratic and that power was thus being wrenched from the hands of the people. "For the central state administration and municipal administration," says Goodnow, "the method of forming the official relation should be by appointment, if an efficient, harmonious, and responsible administration, subject to popular control, is desired. This is the method which has been so successfully adopted in the national administration. This is also the method which has been adopted by most of the recent municipal charters for the larger cities in the United States."³⁹⁷ When, however, the growth of the municipality demanded in the school superintendent not only a leader in education but a civic leader as well, and one thoroughly in touch with the business interests of the city, the superintendent seldom measured up to the demands. Indeed, in many instances, the rank and file have had no realizing sense of the qualities essential to a successful school man. It seemed clear to such that the teacher's business was to teach and nothing more. In this way the superintendent was either deprived of his privilege and duty, or being out of touch with men and things, he did not grasp his opportunities. He should be both school man and administrator, in the small city doing his work personally and in the large center working through agents.³⁹⁸ Not only should he keep closely in touch with the life of the municipality, but to do the most effective educational service he must work in perfect harmony with his board. While full power must reside in the superintendent, no man or body of men can alone successfully administer a system of city schools,³⁹⁹ and the superintendent must constantly look both to his board and to the people from whom power is derived, for

The
Superintendent
a Leader

³⁹⁷ *Principles of Administrative Law*, p. 234.

³⁹⁸ Maxwell, *The Superintendent as a Man of Affairs*, N. E. A., 1904, p. 260.

³⁹⁹ *Report of the Committee on City School Systems; School Superintendence in Cities*, N. E. A., 1890, p. 311.

suggestion and inspiration. A proper working relation once established, *responsibility* must now be added to duty. With no chance for the superintendent to hide behind the school committee, results may be expected.⁴⁰⁰ Ex-President Eliot believes we may now look forward to the time when experts will be employed to carry on all executive work. "I suppose," he says, "our business associations have learned already that the first evidence of competency in the manager of a business is that he employs experts for all his executive work." Dr. Eliot goes on to show that great corporations, which transact the bulk of the business of the country, follow this custom implicitly. A board or commission selects the experts, makes assignments, and then hands over to these experts the management and executive control.⁴⁰¹ The success of all great business enterprises is conditioned, not so much on the quality of the individual employees, nor on the general intelligence and financial standing of the boards of control, as on the capacity of the overseers, the superintendents, and the general managers.⁴⁰² After declaring that school committees are usually underpaid and chosen without guarantee of fitness; that they seldom visit the schools and that such visits may as well be omitted; and that the substitution of expert supervision for this slipshod oversight results in increased efficiency, Harrington says: "There is not a manufacturing corporation or machine shop in the land which does not owe its prosperity to the oversight of one competent, well paid, responsible head."⁴⁰³ While accepting the view of the necessity for the centering of authority, the point would be raised by some that the superintendent of schools is not comparable to the head of a great commercial concern, as in the latter case results are measured in terms of dollars and cents.⁴⁰⁴ Nevertheless, it is coming to be generally understood that whether in school, church, political, or trade matters, there are certain business principles

Methods of
Business
Enterprise
Applied to
School

⁴⁰⁰ *Report of the Committee on City School Systems; School Superintendence in Cities*, N. E. A., 1890, p. 313.

⁴⁰¹ "School Board Reform," *American School Board Journal*, July, 1909, p. 3.

⁴⁰² Martin, *The Evolution of the Massachusetts Public School System*, p. 221.

⁴⁰³ *The Extent, Methods and Value of Supervision in a System of Schools*, N. E. A., 1872, p. 250.

that apply in one case as well as in another, and these principles may not be ignored in educational administration, even though there is a certain human element attaching thereto that plays a less conspicuous part in the machine-made cotton fabrics or the working out of a time schedule for an interurban railroad.

"The superintendent of schools should be granted much larger powers than he now possesses: he should have not only the initiative in, but the determination of, all purely educational questions, his action being subject to revision by a majority of the board of education. The arrangement of the course of study, the choice of textbooks and apparatus, the examination, the appointment, the promotion, and the dismissal of teachers, are duties which properly devolve upon him, acting with his assistants and with the examining board, and subject to overruling by the board."⁴⁰⁵

Competency
Rewarded;
Inefficiency
Not Tolerated

If the superintendent is competent, then the scope of the work as suggested by the report is not too great, nor the power too extensive; if incompetent, the board may exercise its prerogative and overrule his actions, and if he be weak and without initiative, the board must either dismiss him, or themselves undertake the duties properly belonging to him. This is another way of saying that in justice to the superintendent as well as in the interest of wise administration and economy of time and money, power must be granted the superintendent if he is to be held for and judged by results. When strength is developed he should receive credit, and as well should he be criticized adversely for laxity. He should always be given the benefit of doubt, should be supported and guarded always, and "after he has been given every opportunity to prove himself, he should quietly retire if he cannot meet the emergency."⁴⁰⁶

In tracing the development of the acting school visitor into the superintendent of schools, Levermore says that when the latter attempts to place himself on a working basis with the board and delegates duties to himself such as to produce results,

⁴⁰⁴ Wiles, *Relation of the School Board to the People*, N. E. A., 1897, p. 986.

⁴⁰⁵ *Report of the Chicago Educational Commission*, p. 14.

⁴⁰⁶ Binford, *The Relation Between School Boards and Superintendents*, N. E. A., 1873, p. 251.

the "one-man-power" cry is raised.⁴⁰⁷ Speaking particularly of New Haven he says that the townspeople criticize when the board or the superintendent go outside the city for a teacher or when the board select a superintendent not of the town. Permanency and peace in the office of superintendent are necessary for larger results.⁴⁰⁸ This statement, unfortunately, holds true both in the East and the West. The superintendent cannot possibly please all the townspeople, and in order to bring to himself the least criticism possible he should endeavor to secure power through board-delegated duties, although in the interest of efficient schools he may be forced to delegate duties to himself. If compelled to delegate powers to himself in order that the integrity of the schools be preserved, he should unhesitatingly do so. Such extreme action will be necessary only if the board prove corrupt or incompetent. If finally defeated he may then retire with dignity.⁴⁰⁹ Moreover, many localities have not yet arrived at that point of broader outlook, where they see beyond the borders of their own village, and dare reach across the boundary for a teacher or superintendent who should be brought over into the promised land. Through a process of in-breeding and narrow provincialism many cities and towns are today much behind in matters educational. The idea, however, that the "home product" is to hold the ground without competition has led to dry-rot, and communities are fast learning that they owe it to themselves to secure the most competent man or woman, even at the expense of selecting an outsider and at a salary greatly in advance of that which a local candidate would willingly accept. It would appear only just to give the "home product" first consideration if this can safely be done. There is danger, however, of becoming provincial if this be carried too far. Some progressive superintendents insist that a local graduate shall teach a year or two in an outside town, where favors will be neither asked nor shown, and where a new point of view may be secured, before locating permanently in the "home town."

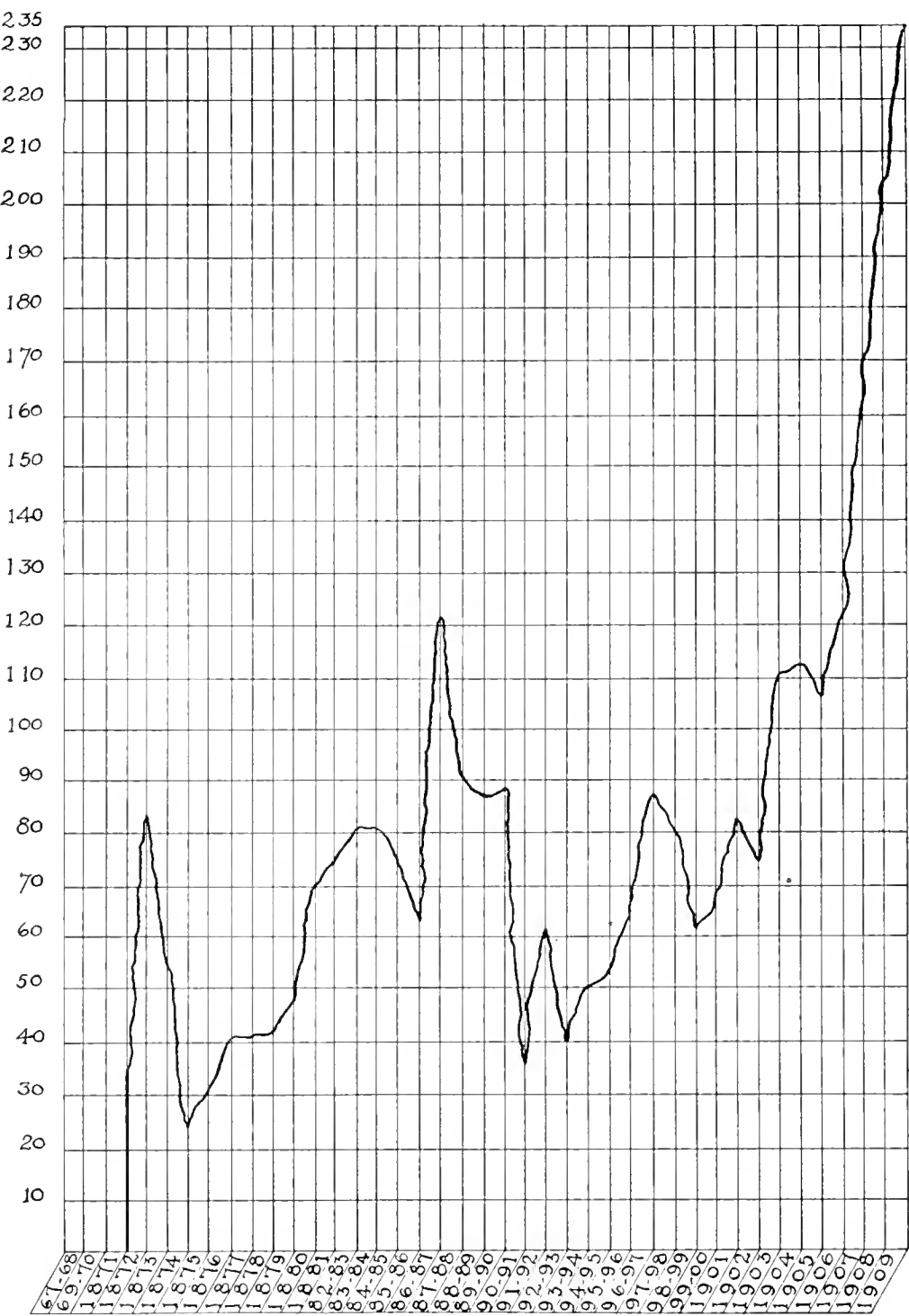
Administrator
Must Be
Fearless in
Execution
of Duty

Danger from
In-Breeding

⁴⁰⁷ *The Town and City Government of New Haven*, J. H. U. Studies in Hist. and Pol. Sci., p. 505.

⁴⁰⁸ *Ibid.*, p. 506.

⁴⁰⁹ Foght, "School Administration," *American School Board Journal*, Dec., 1909, p. 23.



Curve showing number of pages devoted to statistics of city school systems in Reports of U. S. Commissioner of Education—1867-1909.

It is necessary that the office of superintendent be kept out of politics—more so than that the administrator be given freedom of action. When we recognize that an administrative officer is following a profession—not occupying a “place,” and when we further recognize the importance of efficient and honest administration, the private rights and necessary fields of action for the official will be nearer solution.⁴¹⁰ Better it is, says President Lowell, to safeguard the superintendent and keep him from the blasts of criticism and danger of political death than to give him unlimited powers. He should be elected for a long term and held responsible for results.⁴¹¹ One authority advocates a board of exactly five members, elected by the city at large, one each year, to serve five years, such board to possess legislative functions only, with power to appoint a superintendent to serve six years. This period is better than life tenure, as charges may at any time be preferred. Temporarily the superintendent is a czar.⁴¹² There is less resentment at present than existed in times past, to autocratic power on the part of the superintendent. The public has come to demand that which is for the best interests of the children, and in consequence centralization of power is looked upon with increasing favor. The city needs a strong controlling hand to do away with the committee evil.⁴¹³

Freedom from
Politics
Essential

But the voice of admonition is heard. There are those who, in the matter of city supervision, as in state oversight, see breakers ahead. With centralization has come better organization and at the same time a lessening of the lay influence. Some claim that the proponents of centralization seek not to ask whether this trend is altogether good. They see that standards may be raised and made uniform. Those who anticipate danger look for a lessening of local initiative with the creating of uniform standards, and they fear also a loss in interest on the part of the

Is
Centralization
Undemocratic?

⁴¹⁰ Goodnow, *The Growth of Executive Discretion*, Am. Pol. Sci. Assn., vol. 2, p. 43.

⁴¹¹ *The Professional and Non-Professional Bodies in Our School System and the Proper Function of Each*, N. E. A., 1898, p. 1002.

⁴¹² Jones, *The Best Method of Electing School Boards*, N. E. A., 1903, p. 158.

⁴¹³ White, *Discussion: Report of the Comm. on City School Systems; School Superintendence in Cities*, N. E. A., 1890, pp. 319, 320.

rank and file.⁴¹⁴ One thinks that in the city especially the dictator and expert should not be developed, and that the common people should be heard.⁴¹⁵ Gove voices a conviction that in trying to right a wrong we have gone to the extreme in advocating power in the hands of one man. Our democracy rebels.⁴¹⁶ The present tendency means one-man-rule and is not to our best advantage.⁴¹⁷ If the dangers pointed out are real dangers, we should do well to heed the warning. It would seem, however, that the danger is as great as that feared by the classicists, viz., that we shall over-industrialize the schools—shall tap off all the richness and culture—and leave only the material, the commercial, the utility spirit, the economic and money-making instinct. In neither case does there appear as yet any cause for apprehension. The democratic spirit of our institutions and the initiative of our people will be better served through a competent expert than through laxity and intrigue and inefficiency on the part of a larger representation. For after all we are to train citizens in the full meaning of the term and to do this we need in power not politicians, or czars, or incompetents, but *men*. The coming superintendent must first be a man, and afterward an educator. Then in the words of Maxwell: "The storms of political strife may seethe around him, the clouds of social crime may envelop him, but he should be a soul that, ever mingling with and ever fighting the obscene tumult, is never by it contaminated. The state has no higher duty than to create the conditions under which this ideal may be realized."⁴¹⁸

Enough has been said to show that the business management of the schools has rested largely in the hands of the school committees and boards. In large cities where the superintendent has assumed control of the business side, this duty, added to those of educational administration, has rendered adequate accomplishment almost impossible. Hence has arisen in some cities the

Business
Manager or
Director

⁴¹⁴ Wiley, "The Layman in School Administration," *Teachers' College Record*, Nov., 1910, pp. 9, 10.

⁴¹⁵ Seeley, *The Province of the Common People in the Administration of Public Education*, N. E. A., 1909, p. 421.

⁴¹⁶ *The Trail of the City Superintendent*. Comm. of Education, 1889-1900, vol. 2, pp. 571-577. Also N. E. A., 1900, p. 218.

⁴¹⁷ Bruce, *Quo Vadis, School Boards*, N. E. A., 1899, p. 1131.

⁴¹⁸ *City School Systems*, N. E. A., 1890, p. 460.

office of business manager or director. The Chicago Educational Commission voiced the belief that a business manager should be secured, one who would formulate a sound business policy and who would be left free to execute his work, and be accountable to the board, under whom he should have power of appointment and removal of subordinates.⁴¹⁹ In the opinion of some this business manager should be elected for the same term as the superintendent; others incline to the belief that a three-year term is preferable. Cleveland, Ohio, is the most conspicuous example of a city working under two independent departments—instruction on the one hand and business upon the other. Here the system is marked by success. The school director in Cleveland is elected at large, as are the seven board members, and it is he who appoints the superintendent of schools, at a salary equal to his own—\$5,000. The superintendent serves without limit and is as supreme in his own field as is the director in his.⁴²⁰ While this centralization of power, or, as Thwing terms it, the “individualistic”⁴²¹ system, may be too extreme, it is certainly suggestive of the advantage of separation of powers. It will perhaps be found best in the long run to elect a small school board at large, this body to be entrusted with the appointment of both superintendent and business manager, and each to be supreme in his own field, and to serve at the pleasure of the board or for from five to ten years.

The
Cleveland
Plan

A question, too, of considerable significance is that of the assistance that important voluntary civic associations are extending to the realm of public education. Extreme centralization and executive supremacy necessitate care in preserving to the people that interest, without which the schools will develop into lifeless intellectual machines. Legislation alone cannot bring about all necessary connections. The part played by these quasi-public institutions is much more prominent in the cities than elsewhere, their influence is being increasingly felt, and “as we in our national political institutions come to rely more and more upon the one-man power we must aim to strengthen and enlarge

⁴¹⁹ Report, p. 14.

⁴²⁰ Dexter, *History of Education in the U. S.*, p. 192.

⁴²¹ *Education in the United States Since the Civil War*, p. 45.

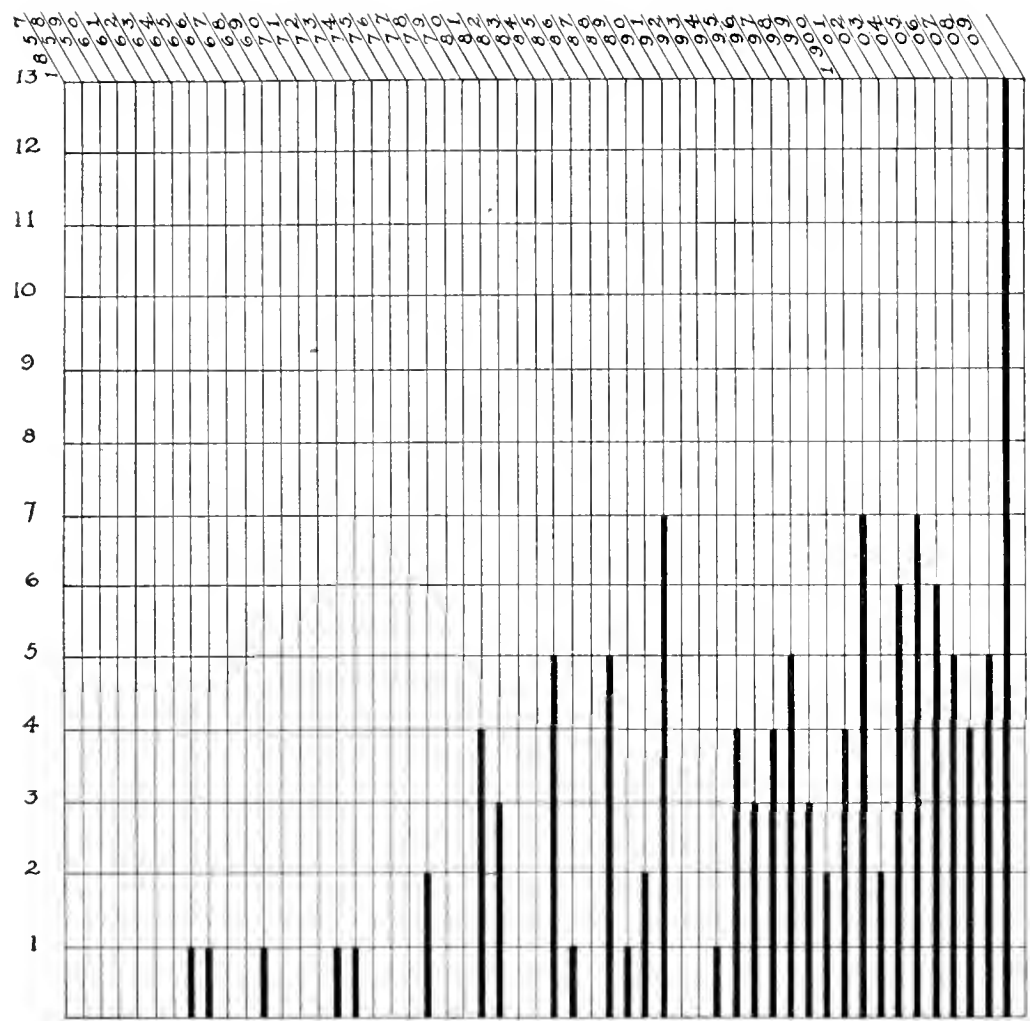


Diagram showing the development of administration and the growth of sentiment toward centralization as indicated by the number of articles in each number of the annual proceedings of the National Teachers' Association and National Education Association—1857-1909.

the scope of these great civic societies in the national field."⁴²² These civic organizations are growing in number and influence, and include public service corporations, bureaus of municipal research, the National Municipal League, and in a more local sense the parents' organizations, private benefactions, public lectures, and the like. Already these organizations have had a perceptible influence upon educational administration. Perhaps the chief service they render is to turn the attention of the layman—the busy man of affairs—to the work that is being accomplished by the schools; to their condition and needs. And thus is secured to the cause the assistance and sympathy of those without whose coöperation the schools can be but partial successes at best.

The Work
of Voluntary
Civic
Organizations

⁴²² Young, *The Relation of the Executive to the Legislative Powers*, Am. Pol. Sci. Assn., vol. 1, pp. 53, 54.

SECTION FIVE

PRESENT TENDENCIES IN TYPICAL CITIES

The present section contains the results of a study of the educational situation in fifty cities. The determining factors in the selection of a given city and the method employed in securing information should be noted. Of fifty-one cities selected, all but one promptly complied with the request for information, the one case being that of a city whose superintendent had recently died. Five main points were considered in making the selection of cities: it was sought to secure (1) cities generally recognized in the educational world as being *progressive*; (2) cities representing all sections of the United States, including twenty-five states and the District of Columbia; (3) cities ranging in size from 5,000 population to the largest municipalities of the first class; (4) cities where, for the most part, the superintendents have held office continuously for a considerable period of years; (5) cities the superintendents of which are of the writer's personal acquaintance. Another fact worthy of note is this. The questionnaire method of securing information is not always to be relied upon and many question lists are at once consigned to the waste basket. A printed list of a half hundred questions allowing for answers on the same sheet does not always bring results, and too frequently the replies are at random and given offhand. In the present instance care was exercised to frame as few questions as would cover the information required, to make these brief and clear, to offer no opportunity for assumption in the minds of those who sent replies that any particular or foregone conclusion was aimed at. The questions were so arranged as to convey a connected train of thought and were rather in the nature of a friendly letter of inquiry than a formidable questionnaire. The suggestion was made that, instead of indicating answers upon the question sheet, the superintendent should dictate a letter covering the several points. This accounts in

part for the full and frank statements and most illuminating detailed information contributed in so many instances.

The list of eleven questions and the accompanying letter is here given, followed by the tables showing the results of the investigation. An analysis of tables and the conclusions drawn therefrom close the section.

Letter sent to fifty superintendents:

The enclosed is not a questionnaire, but a letter of inquiry to you and to several of my personal superintendent friends in the acknowledged progressive cities. If you will find opportunity to dictate a letter along the lines indicated, I shall count it a great personal favor.

The investigation looks toward determining the status of centralization in city school systems. Your replies will supplement conclusions to be drawn from a study of acts of different legislatures, municipal ordinances and resolutions of school boards, and laws changing the powers of school superintendents. For copies of such acts, ordinances, and laws, and for copies of your last annual report and act organizing your board, I shall be grateful.

Let me thank you for your consideration and assure you of my coöperation when I can be of service.

List of questions accompanying the letter:

1. Will you please state your opinion of the relative value of the large and the small school board?
2. Do you favor the election of board members by wards or at large?
3. Does the paid board tend to limit the power of the superintendent?
4. Which method is preferable: superintendent appointed by board or elected by the people?
5. How does a long or indefinite term affect the power of the superintendent?
6. Is the superintendent's power increasing or diminishing in:
 - a. Appointment of associates or assistants;
 - b. Determining the budget;
 - c. Outlining courses of study;

board does good work. "as a general statement," the superintendent is "emphatically in favor of a small school board, preferably 5 to 9." In Lynn the board has just been reduced from 12 to 5. From Meriden comes the statement: "I favor a small school board, say of 7 members. I have worked with 6, 9, and 12. The small board puts executive work on paid agents. The only advantage of a large board is that it gets many citizens interested in the schools through their service in office. This is no inconsiderable item." From the Newton authorities comes the expressed preference for a board of from 5 to 9 as opposed to one of 15 or more members. "I am inclined to the opinion, however," says the superintendent, "that the superiority of the small board as demonstrated in many places, has been due more to the character of the men composing the small boards and the conditions under which they took office than to the mere matter of the size of the board." While the Newton board is composed of 15, the doubt is expressed that a small board would have been more efficient or valuable. The matter of reducing the number to 7 is soon to be referred to the voters. The New York board of 46 is considered too large even for the size of the city, 15 or 21 appealing to many as a more satisfactory number. "A large board usually has larger standing committees. At the meetings of these committees frequently some members have not been informed of the business or had time to investigate, and even when the propositions have been worked out and are ready to be put into operation delay is occasioned to allow uninformed members to think about the question. Reasons of this kind interfere greatly with efficiency of administration." In Reading the board consists of 64. The belief is expressed that, "Such a large number helps one to carry out a policy even though a small clique may oppose."

The small board "saves the time and labor of the superintendent and minimizes politics." "The responsibility is definitely fixed." "A relatively small board is apt to be of higher personal quality." "A large board is almost necessarily a political institution. A small board may be a business institution." "Not so unwieldy and difficult for the superintendent to reach in advocating measures." "The smaller the board the better:

this fixes responsibility, makes the board a legislative, not an executive body, compelling it to delegate executive functions to its salaried experts." "In a large board, affairs are inclined to be carried on through a system of log-rolling, rather than for the general interests of the school as a whole." "Small board more mobile." To these statements let us add one from Columbus to the effect that: "Extremes are possible in either direction. We do not find a board of 15 cumbersome." In Fresno, after some years' experience with a board of 8 members a return has been made to the board of 5. Buffalo is the only city working without a board of education.

The statement from Boston is conclusive:

"Better and more consistent and constructive work is performed by a small school board. In so far as the reduction of the school committee in the city of Boston from twenty-four to five members is concerned, these are some of the changes that are most prominently noted. The small board early decided not to perform executive details in the running of the schools, but to leave these duties in professional hands. The new board set for itself the ideal that details of administration should be performed by paid officials, who are to be held strictly accountable to the board. The board has, therefore, prescribed the duties of its officials and employees, and placed upon them a large measure of executive responsibility. The advantage in the administration of school affairs that comes from knowing that a duty assigned by the board to an official shall be exercised only by that official until recalled by the board itself, and that no individual member of the board desires or intends to perform such duty, is so great that this alone marks the beginning of an epoch in the educational history of Boston. The creation of a board of five members has completely revolutionized the method of procedure. Under the larger board the work was delegated to sub-committees and the decisions of these committees were usually approved without question by the full board. The opportunity for decisions based upon personal or political considerations was very great, and the varying personnel of the sub-committees caused considerable variation in the quality of the work done by them. Even the best of them were unfit to decide matters requiring long professional training, and the total result of these decisions was inevitably to cause confusion in the educational system. The creation of a board of five members has eliminated the pernicious influences of the ward system, and the decisions of the board are no longer influenced by the process of trading for different localities. Political influence in the employment of teachers, janitors, purchase of supplies, etc., has been completely eliminated, and the professional politicians and their friends who used to visit the school committee headquarters in the past, seldom come here now. The board, as a whole, transacts all the business coming before it. It has no sub-committees. All the details of making investigations and preparing reports are assigned to the employed officials of the

board, and these reports are presented to the board in open session. Executive sessions are occasionally held to discuss such topics as charges against teachers and other matters that manifestly should not be made public; but no votes are ever taken in executive session. The work of the board is conducted in a conversational tone; speeches made for political effect that were common in the larger board no longer are delivered. The deliberations of the board are not essentially different from those of a board of directors."

It is thus clearly evident that the small board with an average of from 5 to 7 members is considered to be the most efficient, and this, not alone by those superintendents now working with boards of like size, but as well by those who now work under a board of medium or large size.

Question 2. Do you favor the election of board members by wards or at large?

Again, one superintendent does not reply. Of 49 cities, 40 prefer the method of appointment at large. Albany is in favor of neither method. The council should appoint by wards, say the Atlanta authorities. From Birmingham comes the statement that "the ward system is rotten beyond remedy." Decatur adds that election at large "necessitates a more capable, public spirited, unselfish man. It insures attention to the general needs of the schools of the city, rather than of each member favoring the schools for a particular ward." The ward system prevails in Harrisburg, but the preference is for election at large or appointment by the court. "Nomination or appointment by mayor or other responsible official with a limitation on party majorities gives the best board," is Hartford's contribution. At Houston the commission system of government prevails. Here preference is expressed for appointments at large. In Mobile the feeling is that a "ward member would doubtless lose sight of the general interest of the schools in favor of a measure that affected his ward or constituents." At Newton the board members are nominated by wards, but elected at large. This unique plan tends "to give us the advantages, and to eliminate, to a large extent, the disadvantages, of the 'ward' and 'at large' plans." New York officials prefer appointment of board members by the mayor, and say that all sections of the city should be represented. Ward representation leads to inequalities of educational opportunities, and prevents the consideration of the city's needs as a

whole; this is the gist of a strong statement from Philadelphia. In Reading, where the ward method is used, there are two members representing each party from each ward.

It is unanimously the opinion, therefore, that board members should be elected (some say appointed) at large, and this without regard to the size of the system of city schools.

Question 3. Does the paid board tend to limit the power of the superintendent?

To this question, 22 reply in the affirmative, 6 in the negative; 12 have had no experience, 5 evade the question, and 5 send no reply. “The paid school board is a pernicious institution. The

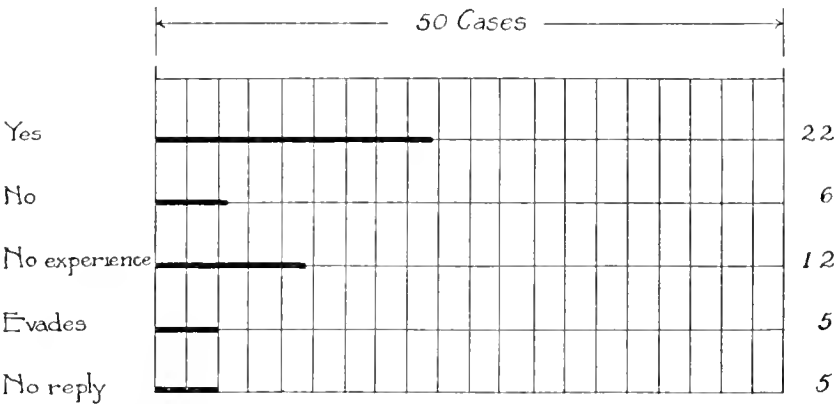


Diagram showing graphically the result of question 3: Does the paid board tend to limit the power of the superintendent?

places are sought by those whom that kind of a place should never seek,” comes from Hartford. A system of paid specialists employed by the board would be the preference of some. We have from Oakland: “There is no reason why a paid Board of Education should limit the powers of a superintendent; but it would be presumed that such a board ought to give its entire time to school management, and this is not necessary. The principal function of the Board of Education, so far as educational work is concerned, is to elect a superintendent of schools, and he and his deputies should manage the school business.” In Rochester, where the board is paid, the statement is that the power of the superintendent is not limited. In Berkeley the board members are paid a nominal fee for each meeting actually

attended, with a maximum limit on number of meetings, and no fear is expressed if this compensation does not exceed “\$5 or \$10 per meeting.” We may conclude from the entire body of evidence that if the salary tended to draw men to the position and to hold them there, the power of the superintendent would be lessened. “The paid board would inevitably tend to take up executive work.” The school system would be weakened, as powers rightly belonging to the superintendent would be assumed by the board members.

Question 4. Which method is preferable: superintendent appointed by the board or elected by the people?

No extended comment is necessary here. Forty-six cities favor appointment by the board; Buffalo prefers election by the people every four years (Buffalo and San Francisco are the only large cities using the elective system); 1 has no choice, and 1 does not know. While the method of appointment is felt to have its drawbacks, it is preferable to election by the people. “Either method may be good or bad owing to local conditions.” Under the election system the “whole people might be stampeded,” and removal of an incompetent man might be difficult of accomplishment. Politics are much more apt to play a part under the election plan and there is an undesirable narrowing of choice, such as would, in some cases, work disaster to the schools. No more reason exists in the minds of some for the election of a superintendent by popular vote than for practicing the same method with a bank or railroad president. “Boards do not always act in accordance with the best judgment of the people in making changes in superintendents, but a popular election would tend to throw the office into politics.” It is conceded that the superintendent should be an expert, and if elected he would have to be a resident of the local community. This might preclude the securing of the proper man.

Question 5. How does a long or indefinite term affect the power of the superintendent?

As we might expect, the replies show conclusively that the extended term tends to center power in the hands of the superintendent. A term of from two to six years, with emphasis upon the three- to four-year period, will offer opportunities for the

		Appointment of Associates	Determining the Budget	Outlining Courses of Study	Selection, fixing of salaries and removal of teachers	Choice of textbooks	Location and Purchase of New Sites	Determining Character of Bldgs and Equipments
		(a)	(b)	(c)	(d)	(e)	(f)	(g)
Increasing	no.	43	39	45	43	43	39	43
	%	86	78	90	86	86	78	86
Decreasing	no.	2	4	1	1	1	4	3
	%	4	8	2	2	2	8	6
Stationary	no.	2	3	2	4	3	3	1
	%	4	6	4	8	6	6	2
Doubtful	no.	1	2	1	1	2	3	2
	%	2	4	2	2	4	6	4
Evades	no.	2	2	1	1	1	1	1
	%	4	4	2	2	2	2	2

Table showing results of question 6: Is the superintendent's power increasing or diminishing?

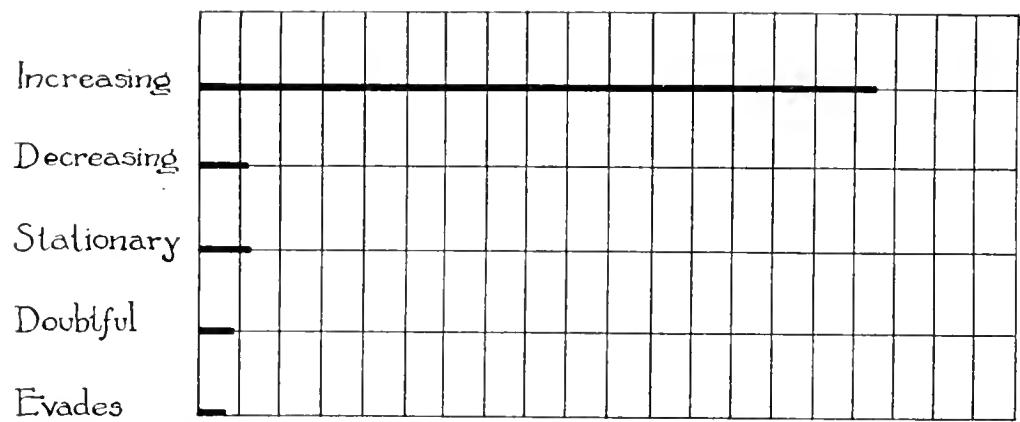


Diagram showing increase, decrease, etc., as averaged from fifty reports.

administrator not only to plan but to carry out his plan without fear of interruption. The feeling prevails in the minds of many that a probationary appointment of one year should be given, thus giving opportunity to test the superintendent. Some say again that there should be indefinite tenure during efficiency and good behavior, while others combat this measure, saying that as criticism may at any time be directed at the head of the schools, a specified time is preferable. Not only does the long term lend power to the superintendent, it relieves his mind from the uncertainties of election and permits him to accomplish greater results. Withall, it means greater efficiency and economy in the conduct of the schools.

Question 6. Is the superintendent's power increasing or decreasing in: (*a*) appointment of associates; (*b*) determining of budget; (*c*) outlining course of study; (*d*) selecting, fixing salary, and removing teachers; (*e*) choosing texts; (*f*) locating and purchase of sites; (*g*) determining character of buildings and equipments?

Under (*a*) 43 of the 50 cities notice an increase in the power of the superintendent. In 2 cities there is a decrease of power, in 2 the power is stationary, in a single city it is a doubtful quantity, while evasive replies come from 2 cities. A careful study of the tables will show that the increase in power of the superintendent under each of the subdivisions ranges from 39 to 45 for the 50 cities. In all such matters as the selection, assignment, transfer, or dismissal of teachers, salaries to be paid, texts and courses of study, equipments, etc., the power of the superintendent is on the increase. In a few cases the board provides a business agent or school director who relieves the superintendent of certain details of finance or the management of buildings and grounds. In the selection and purchase of new sites and the erection of new buildings, the board finds its chief source of concern. It would appear that in all legislative and executive functions the power of the superintendent is increasing. This is particularly the case where the school board is small and where the various committees play less part than formerly.

Question 7. Is the superintendent's power increasing or diminishing in: (*a*) planning extension work, public entertain-

			Planning extension work, public entertainments lectures, etc.	Establishing Recreation Centers	Organizing continu- ation classes, i.e. evening, Saturday vacation, etc
		(a)	(b)	(c)	
Increasing	no.	4	4	4	
	%	8	8	8	
Decreasing	no.	1	1	1	
	%	2	2	2	
Stationary	no.	2	2	2	
	%	4	4	4	
Doubtful	no.	1	1	1	
	%	2	2	2	
Evades or No reply	no.	4	4	4	
	%	8	8	8	

Table showing results of question 7: Is the superintendent's power increasing or diminishing?

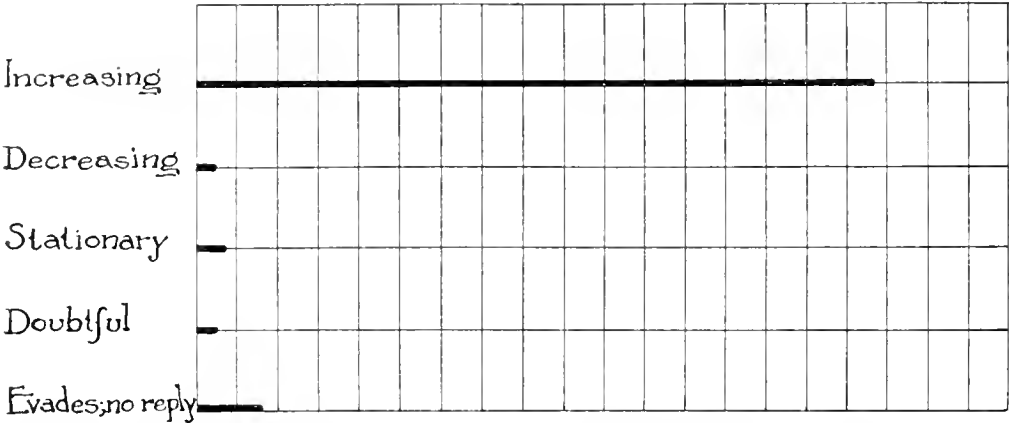


Diagram showing increase, decrease, etc., as averaged from fifty reports.

ments, lectures, etc.; (b) establishing recreation centers; (c) organizing continuation classes, i. e., evening, Saturday, vacation, etc.?

Here again we find the power of the administrator to be largely on the increase. Under (a) 84 per cent of the cities are placing a fuller control in the hands of the superintendent, and the same is true of topics (b) and (c). Only 2 per cent claim a decrease in power, while 4 per cent say that conditions are the same as formerly. Under existing charters in the more progressive cities, administrative officers feel that the powers delegated to them are ample. In practically all cases, as in question 6, the recommendation of the superintendent is not only sought, but he is expected to take the initiative in matters of importance. All concede that for economy and efficiency to prevail, the superintendent must be vested with increased powers and then held for results. Wherever the board is small and its functions are clearly defined, power naturally lodges in the superintendent.

Question 8. Do you exercise a closer supervision over your high schools than formerly?

Of 50 school systems we find that in 22 the superintendents exercise a closer supervision over their high schools than they have done heretofore, while in only 8 cities is there a relaxing in this regard. Reports from 8 cities indicate that no change has taken place, and in 2 instances the oversight is as elsewhere, that is, the same as that exercised over public grammar schools. Two superintendents have turned over to their assistants the direct supervision of high schools, 3 have delegated authority to the high school principals themselves, 3 cases are doubtful, and replies are lacking in 2 instances. It should be noted that nearly one-half of the superintendents are giving closer supervision to the high schools than formerly, while in certain cases there is exercised a wiser or more understanding oversight, which really amounts to a closer guarding of interests. While in general there was much less disposition on the part of superintendents a few years since to preserve the same watchful attitude toward their high schools as toward the schools of grammar grade, we find that here and there an administrative officer has always kept more or less closely in touch with the secondary school situation.

Of the 8 cities where supervision of the high school by the superintendent seems to be decreasing, 5 are cities of less than 100,000 population, and 4 of these are of less than 50,000; the other 3 drop below 250,000 in each case. It is worthy of note that in one instance the reason for closer supervision is attributed by the superintendent to his having been principal of the high school, while in another case loosening of the lines of control is ascribed to the same cause. As high school principals, some who are now superintendents felt keenly their restrictions and lack of opportunities for initiative, and they therefore delegate

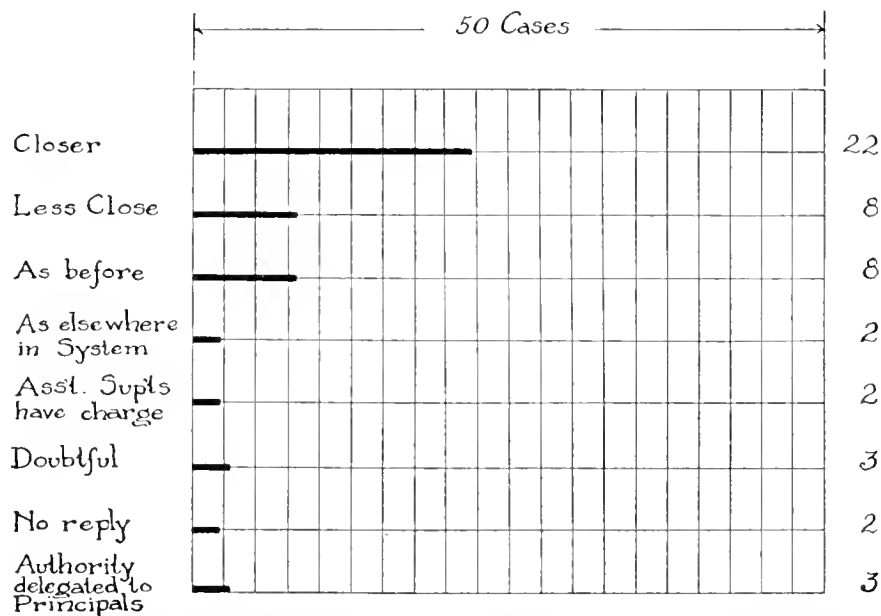


Diagram showing results of question 8: Do you exercise a closer supervision over your high schools than formerly?

power to those having direct control of the high schools. Others, again, seeing clearly that in order to create no break between the high and the grammar grades there must be one administrative center, and appreciating fully the weakness in this regard under their own administration of the high school, propose to centralize. This does not imply that the hands of the high school principal are to be weakened. It simply means that the school system is a unit; that all interests must work in harmony; that to grammar grade and high school principals alike must be left

the details of the management of their schools. It does mean, however, that so-called special privileges are to be accorded to the secondary no more fully than to the elementary schools, and it means further that with responsibility centered in a common head, there will eventually result a better understanding on the part of all teachers of the needs and demands of, and the qualifications for, each year of school.

Question 9. What administrative powers are delegated to the principals of polytechnic and other high schools?

In considerable measure this question is considered in the foregoing discussion. There is no discrimination as between the various types of high schools—technical, commercial, classical, etc. Generally speaking, there is a growing tendency to permit the carrying out by the principal of educational and administrative policies without interference on the part of the superintendent, after such policies have been shaped by joint agreement. The principal and his faculty prepare the course of study, select textbooks, and create working rules, and these are passed upon by the superintendent. The principal nominates teachers, recommends removal or reassignment, changes in salary schedule, and submits requisitions for equipments, books, etc. The superintendent in these matters is the court of appeal, and the principal must work in harmony with him. It is felt by some superintendents that as the principals are immediately responsible for results, it is absolutely necessary that they be given extensive latitude both in the matter of appointment of teachers and in the internal conduct of the school. Here and there, principals work directly under a deputy or assistant superintendent, while in some instances the principal is merely a head teacher, and carries out the will of the superintendent. It is a delicate matter of administration to adjust the whole machinery of school organization so finely as to keep the appellate jurisdiction in the hands of the superintendent, the immediate jurisdiction lodged with the principal, and authority so centered as to preserve that spontaneity and initiative so essential to harmony, to satisfaction, and to growth.

Question 10. Suggest causes that have recently tended to centralize power in the superintendent's office.

Of the several causes mentioned, three or four stand out prominently. In all forms of business the necessity for effective administration is shown, and this is true of education as elsewhere. Then, too, the growth of cities uncovers new problems, and as there is developing a science of education, the need for experts in this field is becoming more apparent. Boards are becoming reduced in size; the school must be released from politics, and responsibility must be centered in the open. All of this has had its effect in centralizing power in fewer individuals and in placing the office of school superintendent on a level with that of the head of the great corporation or the manager of a strong business concern. Public opinion and intelligent sentiment are daily pointing in this direction. The tendency has been to retain in office the superintendent of purpose and of power, and recent legislation has been so shaped as to throw around him that protection so necessary to consistent and continuous progress. More and more the layman is brought to a realizing sense of the seriousness of education, and the absolute impossibility of development where the work is in the hands of non-experts. More than this, the tax-payer is interested in knowing that the rules of economy are applied; education is thus made a business as well as a profession, and only under a trained and competent head can its effective management be assured. More than all else, perhaps, the small board of education and the doing away with the committee system have forced upon the superintendent the duties formerly parcelled out to many. Political influence was more keenly felt where one man was enabled to hide behind another. Then, too, that all educational forces should be focused "in the direction of meeting the needs of the community," it became necessary to centralize power. "The influence of the commission form of city government has unquestionably tended in this direction," comes from one correspondent. It is quite evident that the placing of power and responsibility as suggested looks toward a corresponding holding for results, and hence is democratic in the highest degree.

Question 11. Looking toward economy and efficiency, how would you suggest further increasing the superintendent's power?

It is a significant circumstance that in several cases the powers now accorded the superintendents seem to be adequate and satisfactory. For the most part the superintendents who are satisfied are working under modern charters recently in effect, or are those who have held office in a given city for a considerable period of consecutive years. The feeling is somewhat general that the best can be accomplished under powers that are conceded, rather than under provisions of a statutory nature. As one says: "Better let practice grow from custom than depend on rules and stipulation." Much depends upon the character of the man chosen as head of the system. "Public sentiment is more than legislation: efficiency cannot be legislated into a man." It would seem, many believe, that in the long run the adaptable and efficient superintendent will find his conceded powers commensurate with his ability to carry them into effect. "I question whether," says one, "the uncertainty connected with the conceded power does not make the statutory power desirable." When the business side of school work has been segregated, thus leaving the superintendent free to grapple unrestricted with the educational phases, the school will be more efficient, is the opinion strongly expressed by several, while it is held by one that further centralization is impossible unless the superintendent has "sole power of initiative and expenditure of funds." "Many good superintendents are handicapped because of the shortcomings of inefficient predecessors." To make for the greatest efficiency the board and superintendent must coöperate. "I would empower every superintendent," comes from a correspondent, "to act according to his judgment, within well defined rules, and supplementing his work by reports so as to show his action to the school committee in a brief and convenient manner. This would not only save his time, but would relieve him from the mental unrest which hinders his efficiency and hampers his progress." Says another: "He must know what he wants to do and the probable cost, he must be able to state accurately what he has accomplished and the actual cost. The community is entitled to know what it is getting for its money and will stand by the superintendent who will 'show' it." By thus expecting much from the superintendent, according him large powers under a

board inclined to interfere only when cause arises, and by holding him for results, we shall find men more ready to devote their time to the profession of teaching, we shall develop trained administrators, and shall work toward a more economically conducted and more efficient school system.

That the conclusions drawn from the data set forth in the tables of the fifty cities are on broad lines, is perfectly evident. That what is true of these fifty cities is typical of what would be found on examination of all cities, is likewise evident. Reference to the following table of populations of the cities in questions for the years 1870, 1880, 1890, 1900, and 1910, not only brings out clearly the marvelous growth of the municipalities but illustrates as well the increase in proportion, for each decade, of the aggregate population of the fifty cities when compared with the total population of continental United States for the periods corresponding. In round numbers the combined population of these cities was, in 1870 one-twelfth that of the entire population of the United States; in 1880, it was approximately one-tenth; in 1890, about one-seventh; the proportion had increased to one-sixth in 1900; and the last census shows that the present ratio is as one to five. We may, therefore, without going beyond the point at which we should give pause, safely draw our conclusions as to the conditions in the cities of the United States, from our group of fifty. And in the face of the figures, showing the tremendous growth of our urban population, we may well attend seriously to the ever increasing problems of city school organization and management.

TABLE SHOWING POPULATION OF FIFTY CITIES FOR THE YEARS 1870,
1880, 1890, 1900, 1910, TOGETHER WITH THE POPULATION OF
CONTINENTAL UNITED STATES FOR THE SAME PERIODS,
AND THE PROPORTION OF THIS URBAN POPULATION
TO THAT OF THE ENTIRE COUNTRY

City	State	1870	1880	1890	1900	1910	Length of Term Indefi- nite
1 Albany.....	N. Y.	69,422	90,903	94,923	94,151	100,253	nite
2 Albion.....	Mich.	.....	2,716	3,263	4,519	5,883	1
3 Atlanta.....	Ga.	21,789	37,409	65,533	89,872	154,839	..
4 Baltimore.....	Md.	267,354	332,190	434,439	508,957	558,485	Indefi- nite
5 Berkeley.....	Calif.	.....	.....	5,101	13,214	40,434	4
6 Birmingham....	Ala.	.....	3,086	26,178	38,415	132,685	3
7 Bloomington....	Ill.	14,590	17,184	20,484	23,286	25,768	..
8 Boston.....	Mass.	250,526	362,535	448,477	560,892	670,585	6
9 Buffalo.....	N. Y.	117,714	155,137	255,664	352,387	423,715	4
10 Chicago.....	Ill.	298,977	503,305	1,099,850	1,698,575	2,185,283	..
11 Cincinnati.....	Ohio	216,239	255,130	296,908	325,902	364,463	5
12 Cleveland.....	Ohio	92,829	160,146	261,353	381,768	560,663	5
13 Columbus.....	Ohio	31,274	51,665	88,150	125,560	181,548	2
14 Dallas.....	Texas	.....	10,358	38,067	42,638	92,104	2
15 Decatur.....	Ill.	7,161	9,548	16,841	20,754	31,140	1
16 Denver.....	Col.	4,759	35,629	106,713	133,859	213,381	3
17 Detroit.....	Mich.	79,577	116,342	205,876	285,704	465,766	3
18 Fresno.....	Calif.	.....	1,112	10,818	12,470	24,892	4
19 Harrisburg.....	Pa.	23,104	30,762	39,385	50,167	64,186	3
20 Hartford.....	Conn.	37,180	42,553	53,230	79,850	98,915	1
21 Haverhill.....	Mass.	13,092	18,475	27,412	37,175	44,115	1
22 Houston.....	Texas	9,382	16,513	27,557	44,633	78,800	2
23 Indianapolis....	Ind.	48,244	75,074	105,436	169,164	233,650	4
24 Kansas City....	Mo.	32,260	55,787	119,668	163,752	248,381	1
25 Los Angeles....	Calif.	5,728	11,311	50,395	102,479	319,198	4
26 Louisville.....	Ky.	100,752	123,758	161,129	204,731	223,928	2
27 Lynn.....	Mass.	28,233	38,284	55,727	68,513	89,336	1
28 Meriden.....	Conn.	10,495	18,340	21,652	28,695	27,265	3
29 Milwaukee.....	Wisc.	71,440	115,578	204,468	285,315	373,857	3
30 Minneapolis.....	Minn.	13,066	46,887	164,738	202,718	301,408	3
31 Mobile.....	Ala.	32,034	31,205	31,076	38,469	51,521	4
32 Newark.....	N. J.	105,059	136,508	181,830	246,070	347,469	Indefi- nite
33 Newton.....	Mass.	12,825	16,995	24,379	33,587	39,806	1
34 New York.....	N. Y.	942,292	1,206,590	1,515,301	3,437,202	4,766,883	6
35 Oakland.....	Calif.	10,500	34,556	48,682	66,960	150,174	4
36 Oklahoma City..	Okla.	.....	.....	4,151	10,037	64,205	1
37 Omaha.....	Nebr.	16,083	30,518	140,452	102,555	124,096	3
38 Philadelphia....	Pa.	674,022	846,984	1,046,964	1,293,697	1,549,008	1
39 Portland.....	Ore.	8,292	17,578	46,385	90,426	207,214	..
40 Reading.....	Pa.	33,930	43,280	58,661	78,961	96,071	3
41 Richmond.....	Ind.	9,445	12,743	16,608	18,226	22,324	3
42 Rochester.....	N. Y.	62,386	89,363	123,896	162,608	218,149	4
43 Saginaw.....	Mich.	11,350	19,016	46,322	42,345	50,510	1
44 Salt Lake City..	Utah	12,854	20,768	45,025	53,531	92,777	2
45 Seattle.....	Wash.	.....	3,533	42,837	80,671	237,194	3
46 Springfield.....	Mass.	26,703	33,340	44,179	62,059	88,926	1
47 St. Louis.....	Mo.	310,864	350,522	451,770	575,238	687,029	4
48 St. Paul.....	Minn.	20,030	41,498	133,156	163,065	214,744	2
49 Stockton.....	Calif.	10,066	10,287	14,424	17,506	23,253	4
50 Washington.....	D. C.	109,199	147,307	230,392	278,718	331,069	..
Total.....		3,897,112	5,187,370	9,012,144	13,238,861	17,636,888	
Population of U. S.		38,558,371	50,155,783	62,947,714	75,994,575	91,972,266	
Proportion of combined population of 50 cities to that of the entire country		1/12	1/10	1/7	1/6	1/5 or 19.019%	

SECTION SIX

FINAL CONSIDERATIONS AND CONCLUSIONS

The preceding sections have traced in outline the history of the development of public school administration. The rise to prominence and power of the state superintendent, the increased importance, year by year, of the work of the superintendents of county schools, and the ever enlarging scope and significance of the office of the chief school official in our cities are matters of common knowledge. The vital and organic relation existing between the city on the one hand and the state upon the other is being more exactly limited, and definition is attaching to the fields of activity covered by the responsible school head in each unit. Our survey has brought clearly before us the fact that the state is, in large affairs, the master of all communities, small or large, within her borders. It has also shown us a well defined tendency toward the centering of educational plans—legislative and executive—in the hands of city school officials. The question that now arises, one soon to demand solution, is: What are the educational implications of our rapid progress from local self-government toward the centering of power in individuals?

In whatever field of activity one may engage, one expects to be forced to contend with so-called bad political methods. Here and there these methods have as yet gained no foothold, or they have been eliminated altogether. In fact the situation, bad enough, to be sure, is less serious than many believe it to be, and especially is this true of the field of educational endeavor. School men and school women generally are entirely removed from graft and corruption. In the small towns, however, petty politics and favoritism and inefficiency are all too frequently the rule, while the metropolitan centers, the unwieldy school board and the lack of business-like procedure have resulted in dishonest dealing or at the best in schools neither economically conducted nor standardized. It would seem that our public school, which for the most part has been looked upon as an institution removed from real life and set apart from the activity of every day concerns,

must now have the searchlight of investigation turned full upon it. Its work must be sound, not sentimental. School men and women, often pointed out as theorists and idealists—as actors upon a highly moral but fanciful stage—are now to be leaders, not in “book learning” only, but in all that goes to make men and women of character and fiber and persistence and power. Schools are institutions in which boys and girls, young men and women, are to *live*, not merely places of preparation *for living*. Those who hold teachers’ certificates and draw state moneys, are to teach *not subjects* but *boys and girls*.

The School
as it
Shall be

The new order of things, toward which some of our more advanced school systems are tending, is not to be reached without effort. Tradition and custom and prejudice are powerful opponents to progress. “The good old days” appeal strongly to most of us. Should we not be satisfied with the schools upon which our fathers flourished? And are we not departing from the very fundamental principle of Jeffersonian democracy when we wrench authority from the many and focus it in the individual? Is it not another indication of unregenerate days—days in which the dollar counts for more than the man and power is lodged in high places—to deliver the schools over to one-man rule? What answer shall be returned? Is the tendency un-American?

The successful business enterprise systematizes and organizes. Work is planned and executed without friction or duplication. Energy is not wasted. Education must likewise be conducted on a business basis. Hinsdale contends that there is need of having all the educational interests of a state—elementary, secondary, collegiate—under one head. Our present scheme permits of duplication.⁴²³ As an example of duplication, and the danger from corrupt political methods where power is distributed in the hands of the many, note the utterance of the president of the board of education in a great city:

“Thus the superintendent’s caucus (the inner Board of Education) agrees upon a measure, and the real Board of Education may either adopt a poor one or reject a good one, as insufficient understanding or chance may decide. This can hardly be called intelligent voting on

The Cause
of Corrupt
Politics
Illustrated

⁴²³ *Educational Progress during the Year, N. E. A., 1900, p. 315.* (See also Report of Commissioner of Education of New York State to Legislature, 1899).

questions which affect a great public trust. A link is missing which should serve as an intelligent connection between the advisory and executive boards, and that link should be supplied. . . . It is notorious that the Board of Education usually works like a headless institution, where everybody's business is nobody's business—nobody is responsible."⁴²⁴

It is shown that serious mistakes have been made in purchasing sites ill adapted for school purposes and in paying for a given site double its actual value. The suggestion is offered that the president of the board, or a small executive committee, sit in the council of the superintendents, thus to guarantee the board of education that only legitimate business is transacted by the school officials.⁴²⁵

But while the argument is made by one who honestly seeks to deal justly in the matter of a public trust and to give to the city an administration adequate and efficient, the plan suggested will not assure the results sought. If a board of education cannot be relied upon to select a superintendent both trustworthy and capable, such a board cannot be relied upon to secure as its presiding officer one who is competent, nor can we be assured that the make-up of the board will guarantee the selection of an executive committee either dependable or wise. If a watch must be set upon the superintendent, thus to warrant the transaction of legitimate business only, then is the board remiss that does not seek a more responsible leader. This same report says truly that opinions differ when new sites are to be selected, each district putting forward its claims and each finding a champion in some board member. Constituents must be favored, as are of the members of the city council or the state legislature.⁴²⁶ And just as truly can it be said that the larger the board of education, and the more concern exercised to have all sections of the city represented upon the board, instead of attempting to secure a small board membership made up of men and women fitted for their positions, the more opportunity will there be for dissatisfaction and injustice.

"A pure democracy, such as the town meeting government early established in New England, is only applicable to small

⁴²⁴ *Fifty-Fifth Annual Report*, Board of Education, Chicago, pp. 13, 14.

⁴²⁵ *Ibid.*, p. 14.

⁴²⁶ *Ibid.*, p. 13.

communities. The representative democracy naturally results from growth and spread of population."⁴²⁷ But whether each individual plays his part direct, as in a pure democracy, or exercises his right through a system of representation, the ends to be attained must be identical in either case. To the people belongs the power to rule, and from the people must emanate the right to exercise such power. So whether we trust to one man or to several; whether we draw together or break up the lines of authority, we are confronted by the same problem, namely, that of choosing the right man or the right set of men. For as Jastrow says, "the institutions of society are to be judged by their fitness to place the right men in the right places; . . . a decisive circumstance in this adjustment is the manner of exercise of the aristocratic wisdom that throws the largest responsibility upon those most capable of critical judgment."⁴²⁸ Our every forward step in education is based upon the interest taken by the community members—by the spirit of coöperation between the citizen and the school man. To interest the rank and file, the school must be near to the people, and difficult indeed it is to bring this about, where only a small number are directly taxed with the responsibility of conducting school affairs. But power is only delegated by the people to their representatives. The veto right and power of recall are retained, and thus is made certain, generally speaking, a strict compliance with the majority will. In the case of a business concern: "The principal does not abdicate in appointing an agent or representative, but retains as absolute control as practicable over all official acts. Any sensible man would consider it the height of folly to give unchecked power to his agent."⁴²⁹

Honesty and Ability
Demanded
Whether
Individual or
Group is
Responsible

Power Resides
in the People

In any organization that we may have to suggest, freedom on the part of those commissioned to execute the will of the people is absolutely essential. For if individuals be unduly hampered, the institution they represent will reflect the same cramped and restricted atmosphere. As freedom and self-expression grow in our social, industrial, and domestic relations, the less necessity

Freedom of
Action
Essential
Where
Leadership
Required

⁴²⁷ Stewart, "A Fair Trial for Democracy," *Twentieth Century Magazine*, Sept., 1910, p. 531.

⁴²⁸ *The Qualities of Men*, p. 130.

⁴²⁹ Stewart, *loc. cit.*, pp. 532, 533.

will there exist for governmental restriction.⁴³⁰ This self-expression or freedom is not curbed, but only fostered and guided through oversight from above. It would never do to clothe any one man with an unrestricted power.⁴³¹ With our tremendous industrial and commercial growth, our ethical development has not kept pace. Competition has forged ahead of coöperation.⁴³² While it must be admitted that we are moving forward, we must not lose sight of the fact that in a true democracy, the elements are free; but these free elements work in unison toward a common end. "A society is not truly organic, i. e., completely moralized, until it has as many centers of conscious experience as it has members. Democracy is therefore endeavoring to develop a moral organism in which there is at once coöperation and scope for individual freedom."⁴³³

If the individual be vested with large responsibility he must, while enjoying the freedom just mentioned, learn to co-operate with his fellows, and ever remind himself of his stewardship. A realizing sense must be his that his highest duty is to serve. Leaders are essential, and while these leaders bend to the will of those from whom authority is derived, they must make onward, ever in the light of their own best judgment. "Pilotage, though true to the compass, becomes an act of compromise. The captain yields to wind and weather if need be, yet is ever alert to make these serve his charted purpose. He does not drift, nor tack to every political gust; he has a plan, a purpose, and follows it; he is ready to face opposition, to quell mutiny if he must. His captaincy is the warrant for the qualities of leadership."⁴³⁴ Professor Lange shows that expert public opinion follows in the wake of a wise vision, and this public opinion, which instructs and leads, lays the foundation for co-operation.⁴³⁵

It is necessary, therefore, to select for the position of superintendent of schools a man fully qualified. Responsibility must

⁴³⁰ Cooley, *Social Organization*, p. 409.

⁴³¹ *Fifty-Fifth Annual Report*, Board of Education, Chicago, p. 14.

⁴³² Mac Vannel, "The Philosophy of Education," *Teachers' College Record*, vol. 5, no. 4, Sept., 1904, p. 35.

⁴³³ *Ibid.*, p. 36.

⁴³⁴ Jastrow, *The Qualities of Men*, p. 151.

⁴³⁵ "Self-Directed High School Development," *University of California Chronicle*, vol. 12, no. 4, 1909.

then be laid upon him. And finally to insure adequate success from his administration, he must seek and secure the co-operation, not alone of the people at large, but of his entire corps of associates. The general plan of organization for city supervision is constantly being improved. The attempt will here be made to show how such organization can be rendered more effective.

From the time when the early superintendencies were established, it has been the custom, as the work in a given city increased, to create assistantships and to add here and there a specialist in administrative or scholastic lines, thus to relieve the superintendent of details and permit him to view and direct the entire system.⁴³⁶ At the present time the common method is for a superintendent to divide his territory, assigning one assistant here and another there. For the most part these assistants are men or women of similar training and experience. They have served as grade or high school principals, or as superintendents of smaller towns and cities. The work laid out for these assistants is identical in character. They visit schools, and when the time will permit, the various classes. In rare instances an assistant will give a model lesson, or offer criticism on a lesson taught by a regular teacher. He makes reports upon the principals in his district, renders to his chief, from time to time, statements on the general conduct of the schools in the section under his care, submits recommendations, and has general charge of the details of his territory. These assistants may be of equal rank or they may be rated as first, second, and third. Again, the superintendent may surround himself with associate superintendents, these clothed with duties similar to those devolving upon assistants. Or there may be one associate and a corps of assistants, or a deputy and assistants.

Organization of
Superintendent's
Office:
Associate,
Deputy,
Assistant

Let it be noted here that whatever the plan followed—that of associates, of deputies, or of assistants—the work required of each subordinate is similar in character and of a type comparable to that performed by the superintendent himself in a small town. These assistants rely upon special teachers or supervisors to direct the work of the so-called special subjects, as the former have had

⁴³⁶ Philbrick, *City School Systems in the United States*, Bureau of Education, Circular of Information, no. 1, 1885, pp. 52-59.

little or no training or experience in these lines. And while the assistants are for the most part men, they are supposed to direct and criticise and report upon the general and special work of the primary as well as upon that given in the upper grammar grades. To the high schools they give no heed.

This entire plan is open to the most serious criticism. Duplication is the rule throughout. Many dislike the term "assistant" and chafe under it. But a really vital matter is the feeling on the part of an assistant that he should succeed to the superintendency when his chief resigns, is promoted, dies, or is dropped from service. If there are several assistants in the system, discord and bad feeling may be engendered as the cry of "favoritism" will many times be raised. Then again "log rolling" by the friends of the available local men brings its attendant unhappy results. It cannot be denied that the office of assistant should be and is a training school in which men are prepared for the higher service. Without the prospect for advancement from the position of deputy, associate, or assistant to that of superintendent, many excellent men would be lost to the profession. Moreover, some of our most efficient administrators of today received their training under superintendents of personality and power. It does not at all follow, however, that a successful deputy or assistant will fill with credit the superintendent's chair. Again and again has it been demonstrated that one who is admirably suited to carry to a successful issue the plans inaugurated by a superior, has utterly failed when upon him devolved the task of planning and initiating measures. Real leaders are few, and a superior helper must not be ruined in the making of a second-rate leader. The community should be in a position to secure any available man or woman, regardless of residence, and many a school system has suffered a decided set-back, because of local prejudice against "going outside the city" or district, when an assistant or associate only waiting to be asked to assume the duties of superintendent.

Then again, the rank and file of teachers have a feeling that they are far removed from the superintendent and his office. As to the supervision of the primary grades, the assistant, if a man, is ordinarily less well prepared to offer constructive criticism than

is any one of a number of the regular primary teachers. All of this tends to create a barrier between the teaching force and the administration. With a large body of teachers and the work incident to a cumbersome school system, the superintendent's responsibility in shifting and readjusting may be supplemented and shared by the board,⁴³⁷ but this is not enough. Not only the good will but the active assistance and co-operation of every teacher in the system is necessary to produce the most efficient schools. Team work is essential in administration. Power must be centered in the superintendent, but he must be constantly in active touch with the entire teaching force.

What, then, shall take the place of the present plan in general operation in most cities and towns? A study of the organization and administration of some of our colleges and universities and of the best class of academies and endowed institutions will be illuminating. The plan proposed for the city school is that of the *advisory council*, of which the superintendent shall be chairman. The council may consist, first, of a supervisor in charge of high schools. As suggested elsewhere, no more reason exists for close supervision of the grammar grades by the superintendent than of the high school. Such supervisor in charge of high schools not only must be a specialist in high school work, but must know what is and should be accomplished in the elementary school below, and must be on close speaking terms with the college above. The council may consist, second, of a supervisor in charge of grammar grades, and third, of a primary school supervisor. This last would in all probability be a woman, as it is only the occasional man who is adapted to the lower grade work, and as all or most of the teachers of the four lower grades are women. Then, for the present at least, we must have special teachers, as an intensive knowledge of our special subjects is not possessed by the average teacher. The council should further be composed of, fourth, the supervisor of industrial expression, this to include the art of drawing and the mechanical or shop processes. As these two lines of work should be more closely welded together than at present, one person may have charge of both. Moreover, that no break may exist between the grades and the high school, one

*The Council
Plan Explained*

⁴³⁷ *Fifty-Fifth Annual Report*, Board of Education, Chicago, p. 14.

supervisor should be responsible for grades one to twelve. The fifth member should be the supervisor of home economics. We would add to the council the supervisors, sixth, of music; seventh, of health and development; eighth, of physical education, including gymnastics, athletics, playgrounds, etc.; and ninth, of oral expression. At present, no one is responsible for oral expression in the elementary school, but we must soon come to see and appreciate the extreme importance of proper speaking and reading. Added to these should be, tenth, a primary teacher, chosen by the primary teaching body of the city; eleventh, a grammar grade teacher chosen by her associates likewise; and twelfth, a high school instructor, selected by the secondary school people. In the smaller cities, the last three named and the supervisor of high schools should be omitted from the council.

This would bring together a representative council from the entire teaching body. While bound to hear the views and opinions of the council members the superintendent is not bound to follow their advice or suggestion, for, being responsible to the board, he must be given great freedom of action. After weighing the opinions of his associates, "He should act in accordance with his own judgment, and be held responsible for the outcome."⁴³⁸ Nevertheless, such participation by the regular teachers, through direct representation in the administration of the school system, will bring about a most desirable adjustment.⁴³⁹ Many of the most progressive measures of the day have originally been thought out by teachers, notwithstanding that "It has come to pass in most communities . . . that if a teacher were to make a suggestion to a school board, he would attract to himself unfavorable notice; if not suspicion; if he were to persist in such policy, he would be snubbed and probably transferred, as a warning of even more serious things in store."⁴⁴⁰

When the teachers of any division of the school system desire to bring before the superintendent a measure for the conduct of

⁴³⁸ Young, *Isolation in the School*, p. 56.

⁴³⁹ Young, *The Educational Progress of Two Years*, N. E. A., 1907, p. 403.

⁴⁴⁰ Jackman, "The Relation of the Teaching Force to the School Board and the Superintendent," *Elementary School Teacher*, vol. 6, no. 5, Jan. 1905, p. 267.

the schools, they do so through their representative on the council. Thus every teacher in the system participates in the school management, the only limit placed upon advancement being that of incapacity. Objection will, of course, be raised, because many people can conceive of advancement only under the direction of a boss or overseer. The plan suggested allows of co-operation and of individual assistance to the limit of individual capacity.⁴⁴¹ Such an advisory council is comparable to that in force in the civil-government in the Netherlands Provinces of Dutch Malaysia. Here in a country with a spread equal to that from San Francisco to Baltimore, and with a population of forty millions, a council of five members is provided for. This council is appointed by the king and the governor general *must* consult with his council before undertaking any serious project. In general, whether in education or other departments of civic life, it is sound judgment rather than added legislation that is needed, and while the governor general may act finally as he sees fit, his judgment is bound to be colored and influenced by the opinions of five men, as interested as he for the success of a given enterprise. In the same way the council to the president in a college or academy represents the entire faculty and acts for them. The findings of the council are to be reported to the teaching body, as each teacher has a right to know intimately all that affects the system of which she is a part. This, of course, applies more particularly to the educational than to the purely administrative side. Objections to or disapproval of a measure passed by the council may be fully and frankly discussed by the teachers and recommendations returned to the council through the representative. Reconsideration may then be taken if advisable. On the other hand, the findings of the council are to be reported to the board of education through the superintendent of schools. The board is thus brought near to the teaching body and they in turn are kept closely in touch with the administration and with all departments of school endeavor.

Since the school exists not for any teacher or superintendent, but for the children, the work of the individual teacher is always

⁴⁴¹ *Ibid.*, p. 269.

affected by whatever is done in or for the schools. The superintendent may be removed, the individual teacher may leave the profession, the board member may be suspended, but the school system goes on. A real school system is larger than any element going to compose it. With proper representation of the teaching force on the council, the system would be more constant than now, and little influenced by sudden change from politics or other cause.⁴⁴²

Such organization would insure co-operation and stability. It would bring to the aid of the superintendent the wisest council possible and provide expert service throughout the system. It would leave him free in the exercise of his own judgment. And this is absolutely necessary, for, as Woodrow Wilson says, "If there is one principle clearer than another it is this: that in business, whether of government or of mere merchandise, somebody must be trusted. Power and strict accountability are the essential constituents of good government."⁴⁴³ The veto power, so far as the council is concerned, must lie with the superintendent. A selection by his associates, for council membership, of one who could or would not act in harmony and who would naturally be a discordant element—such choice would handicap the work of the executive body. There is always danger of government by the "poorest, the most ignorant, the most incapable, who are necessarily the most numerous." Such an idea, Leckey goes on to say, "reverses all the past experiences of mankind. . . . In every field of human enterprise, in all the competitions of life, by the inexorable law of nature, superiority lies with the few and not with the many, and success can be obtained by placing the guiding and controlling power largely in their hands."⁴⁴⁴

Co-operation and efficiency—these we must have to produce a system of schools. There must be enough co-operation to secure to the individual the right which he cannot secure for himself. It is not *legislation* that is needed, but *men*. It is not the law but the spirit behind the law that counts, says Theodore Roosevelt.⁴⁴⁵

Superintendent
as Man

⁴⁴² *Op. cit.*, p. 273.

⁴⁴³ *Congressional Government*.

⁴⁴⁴ *Democracy and Liberty*.

⁴⁴⁵ From Earl Lectures, "The Public Servant and the Eighth Commandment," Berkeley, Calif., March 27, 1911.

This co-operation shall look toward efficiency only to the end that greater efficiency may develop increased opportunity for service. And the superintendent's opportunities for service are unequalled. Just so long as human nature is what it is we shall have inequality of service, and inequality of service should bring inequality of reward.⁴⁴⁶ But meager as is the financial reward of the school superintendent, and certain as it is that increased efficiency is to bring larger material recompense, there is compensation still more to be desired.

"I do not know of a more sacred occupation than the function of a superintendent of schools in the United States. The more I see of the kind of work a good superintendent does, the more I am impressed with its beneficent character. Let me urge you to mix freedom with all your policies and efforts. It seems to me that nobody's name lives in this world to be blessed that has not associated his life work with some kind of human emancipation, physical, mental, or moral."⁴⁴⁷ And as the duties of the superintendent increase, as wisdom, and strength, and patience, and justice are more and more demanded, he must be ever ready to use wisely and well the increased powers that shall come to him, and evermore be ready to ask and learn of others. "Les ideas no tienen patria"—Ideas have no fatherland.

The
Opportunity

⁴⁴⁶ *Ibid.*

⁴⁴⁷ Eliot, *Comm. of Education, 1899-1900*, vol. 1, p. 571. (See also *Discussion: Status of Education at the Close of the Century*, N. E. A., 1900, p. 199.)

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	1	2	3	4	5	6	7	8	9	10	11
City	Will you please state your opinion of the relative value of the large and the small board?	Do you favor the election of board members by wards or at large?	Does the paid board tend to limit the power of the superintendent?	Which method is preferable: superintendent appointed by board or elected by the people?	How does a large or small board affect the power of the superintendent?	Is the superintendent's power decreasing or increasing? (a) appointment of associates, (b) determining budget, (c) saluting course of study, (d) setting, fixing salary, and removing teachers, (e) choosing tests, (f) local use and purchase of sites, (g) determining character of buildings and equipment?	Is the superintendent's power increasing or diminishing? (a) placing extension work, public entertainments, lectures, etc., (b) establishing recreation centers, (c) organizing combination classes, (d) visiting schools, (e) vacation, etc.?	Do you exercise a closer supervision over your high schools than formerly?	What administrative powers are desired by the principals of polytechnic and other high schools?	Suggest causes that have or could be added to centralize power in the superintendent's office.	Looking toward economy and efficiency, how would you suggest further increasing the superintendent's power?
1 Albany, N. Y.	Small board preferred	Neither	No experience	Appointed	Favorably	Increasing	Increasing	Yes	These of principal only, same as elementary schools	A more intelligent public sentiment	
2 Albion, Mich.	Small—3 to 5	At large	No	Appointed	Increase	Increasing	Increasing	Less	Actual administrators	a, Legislation, b, superintendent's attitude, c, popular recognition of office	Legislation
3 Atlanta, Ga.	Small	Council appointment by wards	Yes	Appointed	Increases	Increasing	Increasing	Yes	Opinions of principals accepted, modified or rejected	Superintendent now permitted to nominate teachers	Full authority in election of teachers, all lines school government
4 Baltimore, Md.	Medium city—5 Large city—9	Not by wards	Probably yes	Appointed	Allows superintendent to plan into future and build for permanent results	Increasing—Emphasizes a, c, e, g	Increasing	Not closer, but wiser	Usual powers of all principals	Greater complexity of work requires services of expert	Teachers' salaries, etc., buildings, equipment, and other items were necessary
5 Berkeley, Calif.	Small	At large	Not if nominal, \$5 to \$10 each meeting	Appointed	Strengthens it	Increasing	Increasing	Yes	Same as to other schools only	Greater complexity of work requires services of expert	No further power desired
6 Birmingham, Ala.	Small	At large	No experience	Appointed	Gives confidence in planning and power in executing	Increasing	Increasing	No; supervision always close	Carry out courses study, discipline, etc., subject to superintendent	Unity of purpose, demand for economy, conserving energy, time, efficiency	1. Select a test board of uniform qualifications for teachers
7 Bloomington, Ill.	Small	At large	I cannot say	No choice; either method good or bad, owing to local conditions	Experienced both and know no difference	I think increasing	Increasing	I have always kept in close touch with the high school work			Personally nothing to suggest, as selection of teachers, planning courses, equipments, sites, buildings, and entire management left to superintendent
8 Boston, Mass.	5 or 7	At large	Yes	Appointed	Increases it	Increased	Increased	Assistant superintendent also have supervision	All administrative subject to superintendent	Reduction in size of board, accounting, hygiene, penitents, enlarged system, etc.	Scope of power satisfactory
9 Buffalo, N. Y.	Buffalo has no board	Do not know	Do not know	Elected by the people every four years		a, Appoints all assistants and office force, b, —; c, d, a, full control, e, full control with concurrence of school committee of common council; f, common council boys	a, b, Full control; c, full control with consent of common council	Full control	Same as other principals		Nothing to suggest in my case
10 Chicago, Ill.	Small; value in inverse ratio	At large when elected	No opinion	Appointed	After 1 or 2 years, term should be 5 years at least	a, b, c, d, e, Recommendation necessary; f, g, strong advisory factor	Recommendation essential	Yes		Under points d, religious text book, if better in business	Ideal in Chicago, but conceded not statutory
11 Cincinnati, Ohio				Appointed	Increases it	Increasing	Increasing	Yes	All under superintendent		
12 Cleveland, Ohio	Small; 7 to 11		Does not know	Appointed	Should be defined—3, 5, or 7 years		Increasing	Yes	Same as other secondary schools		
13 Columbus, Ohio	Avoid extremes; 15 not cumbersome	Both	Thinks it does	Appointed			Increasing	Yes	Recommend teachers and other general matters	Need of expert management felt generally	Give full executive power and hold for results
14 Dallas, Texas	7 or 5	At large	Probably	Appointed	Probably increases	Generally increasing	Generally increasing	No	Large—current internal affairs	Increasing size of systems of large cities	Better let practice grow from customs than depend on rules and stipulations
15 Decatur, Ill.	Small	At large	No experience	Appointed	Gives confidence to lay out policy. Generally increases	Increasing; c, superintendents now consult with teachers	Increasing	Relatively, yes. More definite accounting of all activities	All functions save employing teachers and adopting tests	Fix responsibility, unity of purpose, ability to direct, focusing, special work to meet needs	Devote attention to educational side as against business side
16 Denver, Cal.	Small	At large	Think so	Appointed	Carry out a definite policy	Increasing; c, superintendents now consult with teachers	Increasing	Yes. Due to having been high school principal	General administration, does not appoint teachers; consults with superintendent		
17 Detroit, Mich.					Depends upon the superintendent	Increasing; c, superintendents now consult with teachers	Increasing	High school always integral part of school system	Within reasonable limits a free hand	A growing feeling that there is developing a science of education	Impossible unless he has sole power as to funds
18 Fresno, Calif.	5 members		Yes; unless restricted	Appointed	Definite; 4 years	Increasing; c, superintendents now consult with teachers	Increasing	Less. Due to having been high school principal	Consistent man now has charge of details	Long continued service	Power sufficient to carry out policy up to capabilities
19 Harrisburg, Pa.	Gets along with 32. Favors small, 5 to 9	Ward system in Harrisburg. Favors election at large or appointed by court	Think so	Appointed	Enlarge power. Do many things without fear	Increasing; c, superintendents now consult with teachers; f, g, board assumes	Increasing	No change. Not close. District supervisors having charge	Technically in hands of superintendent; supervision delegated to principals	Superintendents gained confidence, increased legislation, smaller boards	
20 Hartford, Conn.	Relatively small board apt to be of higher personal quality, especially if not chosen by wards	Nominated or appointed by mayor or other responsible official, with limitation on party majorities	Paid board pernicious institution. Places sought by those unfitted	Popular election of superintendent a device of politicians who want political superintendent	Depends on man. After probation of two years, a longer or indefinite term gives strength to superintendent's endeavor and efficiency.	a, Diminishing, I fear; b, diminishing; c, increasing; d, do not see increase; e, increasing, I believe; f, never had any to diminish; g, increasing largely, I believe	Increasing, I think		This has always been a large delegation, and it is justifying itself	Economy and efficiency	
21 Haverhill, Mass.	Favor small board	At large	Yes	Appointed by board	No experience	Increasing	Increasing	Have always had close supervision of the high school			All depends upon the man. Many good superintendents are handicapped because of the shortcomings of inefficient predecessors
22 Houston, Texas	Small	At large. Appointment best plan	Believe so	Appointed. Election by people means office is political	Two years better than one except for first term	a, b, c, d, Increasing in general; f, g, in general—should be referred to paid expert	Increasing	As closely in touch but more responsibility on principal	General administrative powers	Influence of commission form of government. Schools recognized as business institutions	Public sentiment more than legislation, inefficiency not legislated into a man
23 Indianapolis, Ind.	7 members	At large	Believe so	Appointed	Gives more power	Believes increasing	Increasing	No	No technically administrative powers. They appoint teachers and suggest tests	Tendency to centralize responsibility in general way only	High degree of efficiency more likely if superintendent's power large
24 Kansas City, Mo.	Small	At large	Does not know	Appointed	Does not know	Stationary	Stationary	No; as before	Enough to conduct their school as other principals		Board and superintendent should work together
25 Los Angeles, Calif.	5 to 7	At large	Probably	Appointed	Favorably if right board	Increasing	Increasing	Yes	Very extensive	Unsatisfactory results under other plans	Enlighten the public and the board
26 Louisville, Ky.	Small board	At large	Yes	Appointed		Increasing	Increasing	Yes	Very great	New charter gives superintendent power of appointment	
27 Lynn, Mass.	Small; just reduced from 12 to 5	At large		Does not know	Has annual appointment long term preferred	Increasing	Increasing	Yes	Principals free under sanction of superintendent	Small school board necessitates delegating more power to superintendent	
28 Meriden, Conn.	Large board interests more. Favors 7	At large	No experience	Appointed	Favorably; reform most easily accomplished; most fruitful of results	Increasing—f, g, board assumes		Perhaps less	No administrative powers	Multiplication of details, recognition of value of specialized service	Give superintendent full executive power and have him report to school committee

	1	2	3	4	5	6	7	8	9	10	11
City	Will you please state your opinion of the relative value of the large and the small board?	Do you favor the election of board members by wards or at large?	Does the paid board tend to limit the power of the superintendent?	Which method is preferable: superintendent appointed by board or elected by the people?	How does a long or indefinite term affect the power of the superintendent?	Is the superintendent's power decreasing or increasing in: (a) appointment of assistant; (b) determining budget; (c) outlining course of study; (d) setting, fixing salary, and removing teachers; (e) choosing tests; (f) testing and purchase of sites; (g) determining character of buildings and equipments?	Is the superintendent's power increasing or diminishing in: (a) planning extensions work, public entertainments, lectures, etc.; (b) establishing recreation centers; (c) organizing continuation classes; d, e, evening, Saturday, vacation, etc.?	Do you exercise a closer supervision over your high schools than formerly?	What administrative powers are delegated to the principals, police, and other high school?	Suggest causes that have recently tended to centralize power in the superintendent's office?	Looking toward economy and efficiency, how would you suggest further increasing the superintendent's power?
29 Milwaukee, Wis.	Not too large; 7 or 9 or 11	At large	Yes	Appointed by board	Increases it	Generally increasing	Cannot say	Yes	Executive management of school; superintendent consults with them on high school matters	The necessities of effective administration in a large business	Fix his responsibility, clothe him with power, fix limits of power of board, define powers of administrative branches of executive—buildings, auditing, etc.
30 Minneapolis, Minn.	Small	At large	Does not know	Appointed here	Long enough to develop policy	Increasing	Increasing	Doubtful	High schools largely in charge of the principals	Necessity prevails in all buildings of having responsible head	Sufficient power here
31 Mobile, Ala.	Small; not more than 9. Easily reached by superintendent in advocating measures	At large. Ward members lose sight of general interest in favor of constituents	No experience	Elected by board. Position less political, has fewer masters to serve	Term of 4 years leads to security to position. Superintendent can try reforms and plans before tenure expires	a. Tendency to leave such matters to superintendent; b, board largely concerned in this; c, left to superintendent; d, increasing, at least not backward; e, superintendent to say, in this state by adjoint; f, board takes considerable hand but willing to hear superintendent; g, superintendent less power than architect; superintendent handicapped but must mold him		Somewhat closer than in former years	No more than the ordinary principal of any department	Any criticism by press or parents distasteful to board, and prefer to enlarge his powers or concentrate power in him, and let responsibility rest on him	Make him responsible for system of schools and allow him to employ all help, including assistant superintendent, teachers, office force, etc.—in short, the superintendent to be the head of the schools
32 Newark, N. J.	Small	At large. Ward members lose sight of general interest in favor of constituents	Don't know	Appointed	Strengthens power	Increasing; e, diminishing—special committee of teachers	Increasing	Yes	None other than to high or grade school	Knowledge of needs of pupil. Personal responsibility of superintendent	About all power he ought to exercise
33 Newton, Mass.	15 here. Prefer 5 to 9. Character of members more than number	At large. Nominated by wards	Believes it would	Appointed	More than 1 year where superintendent has been tried	Increasing, emphasizes a, c, d, e	Increasing	Fully, as in other schools			
34 New York, N. Y.	Present board 46, too large; 15 to 21 would answer the purpose in opinion of many	Appointment by mayor, all sections of city to have proper representation	Paid board undesirable. Intelligent and efficient laymen may be secured	Appointed by board; never elected by the people	Long or indefinite term increases economy and efficiency, permanency and power	To increase power and efficiency, recommendation must come from superintendents. a, associates appointed by board; assistants and supervisors nominated by superintendents. Trials to increase efficiency and responsibility	To increase power and efficiency recommendation must come from superintendents	Yes	All the powers they need within the law	Growth of city, appreciation of expert administration, economy in organization, unification of procedure, elimination of outside influences, removal from political control	Charter grants all necessary powers, except in purchase of sites, which city administration does; and in appropriations, which are limited by board of estimate. Charter allows 3 to 4 months needed for general fund
35 Oakland, Calif.	5 members	At large	Not necessarily. No need for paid board	Appointed by board	4 years	a, In hands of secretary and superintendent; b, board takes recommendation of secretary and superintendent; c, outlined by superintendent and principals; d, recommendation generally taken, e, sets with superintendent and principals; f, no complaint; g, no more power needed	Increasing	I do not think so	Managing school only	Sentiment that a head is needed and then held responsible	Selection of teachers, in other matters powers enough
36 Oklahoma City, Okla.	Small	At large	Should not be paid	Appointed by board	4 to 6 years	a, —; superintendent and committee on ways and means; c, d, e, f, should have full power; g, superintendent and architect					
37 Omaha, Neb.	Small; 7 to 12	At large only	Do not favor paid board. Think it would tend to limit power	Appointed by board		Increasing; b, c, about the same	Increasing	Yes	None	Our entire system has become more and more unit	No more power needed or desired here. Conditions ideal—the word "co-operation" tells story of success
38 Philadelphia, Pa.	Smaller the better	At large	Yes	Appointed by board	Increases it	Increasing if board small and functions defined	Increasing if board small and functions defined	Gradually coming under closer supervision	Course of duty and in formal organization	Establishment of district high schools turned over to department of superintendence	Full power limited in expenditure only. Right and duty to present new plans to board
39 Portland, Or.	Small board more efficient	At large	Yes	Appointed by board	Increases	Increasing		Same			
40 Reading, Pa.	New 64; large board helps to carry out policy	Two representing each party from each ward		Appointed by board	3 to 5 years. Gives chance to readjust	a, Increasing; b, determines almost entirely; c, d, e, advises; f, recommendation never turned down; g, now doing so	Increasing	The same. Decision of superintendent is final	Believes in home rule—own affairs if possible	Nothing done without sanction of superintendent. He is familiar with situation	Should shape entire policy and be responsible—location buildings, teachers, texts and supplies
41 Richmond, Ind.	Small	At large	Should not be paid	Appointed by board	No	Increasing	Increasing	No	Large powers in appointments, as responsible for success of school		Large powers and held for months. Duties only on educational side. Same have power enough
42 Rochester, N. Y.	Small	At large	Not in Rochester	Appointed by board	Charter provision in Rochester	a, Superintendent nominates; b, function of board; c, superintendent recommends; d, at zero in East in large cities; e, more liberty in small than in large towns; f, board generally assumes; g, superintendent's will respected	Fully respected	Has always exercised close supervision	Large supervisory and administrative powers	Such legislation as has been passed in Rochester, Boston, and New York	School charter of Rochester in right direction
43 Saginaw, Mich.	Small	At large		Appointed by board	More security; opportunity to develop policies	Increasing	Increasing	Superintendent has general oversight	Supervision left largely to principal		
44 Salt Lake City, Utah	10 members (Salt Lake number) seems to be just right	By wards	I think not	Appointed by board	Difficult to answer, but it could not prove harmful	a, b, c, d, e, No change; superintendent's will accepted; f, power should not be too prominent here; g, increasing	Surely not decreasing	Yes	School depends upon principal and school building is unit in system; principal must have authority consistent with individuality. The superintendent's office should be the court of appellate jurisdiction and not of immediate jurisdiction	Absolute confidence and frankness in dealing with board members, whether favorable or unfavorable to superintendent	No further power desired. Superintendent must show merit in recommendation, move on conservative ground and keep within available funds
45 Seattle, Wash.	Small. More mobile; higher average individual responsibility	At large	No experience; believe it would	Appointed by board	Favorably	Tendency toward increase	Tendency toward increase	No	They are expected to run schools; superintendent meets them from time to time	No change here for several years	Initiative in nomination of teachers; course of study; text books; extension
46 Springfield, Mass.	Small	At large	Think so, if salary an object	Appointed by board	Increases it	Increasing	Increasing	The same	Very large in their own fields	Concentrate responsibility; confidence in superintendent as an expert	Educating people to value of expert over petty politician
47 St. Louis, Mo.	Small	At large	Don't see why it should	Appointed by board	Opposed to indefinite term; period of years better	Ample under present charter	Ample under present charter	Same as other schools	As to principals of other schools	Found in charter	Enough power here. Anxious that power be used properly
48 St. Paul, Minn.	5 or 7	At large	Paid boards are no better	Appointed by board	3 years at least; 5 years preferred	Increasing. Depends upon superintendent	Increasing	Supervision left largely to principals	Confer with teachers; report on courses of study, text-books, order supplies, etc.	Desire of people to place responsibility in expert	Must be responsible for courses of study, texts, appointments, promotions, transfers, dropping teachers, salaries, etc.
49 Stockton, Calif.	Small	At large	Yes	Appointed by board	Increases it	Diminishing	Less	Less	Recommend teachers. Direct all internal affairs		Power should be increased
50 Washington, D. C.	Small	At large	Yes	Appointed by board	Increases it	Increasing; f, diminishing	Increasing	No			Should be increased in everything, except matter of sites, buildings, supplies, etc.

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